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INDEX AND SUMMARY OF H. R. 10104

July	27, 1965	Rep. Celler introduced H. R. 10104 which was referred to the House Judiciary Committee. Bill as introduced.
Aug.	27, 1965	Subcommittee voted to report H. R. 10104.
Aug.	31, 1965	House committee reported H. R. 10104 without amendment. H. Report 901. Print of bill and report.
Sept.	7, 1965	House passed H. R. 10104 without amendment.
Sept.	9, 1965	H. R. 10104 was referred to Senate Judiciary Committee. Print of bill as referred.
July	21, 1966	Senate committee reported H. R. 10104 with amendments. S. Report 136. Print of bill and report.
July	25, 1966	Senate passed H. R. 10104 as reported.
Aug.	11, 1966	House concurred in Senate amendment.

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INDEX AND SUMMARY OF H. R. 10104

- July 27, 1965 Rep. Celler introduced H. R. 10104 which was referred to the House Judiciary Committee. Print of bill as introduced.
- Aug. 19, 1965 House subcommittee voted to report H. R. 10104.
- Aug. 31, 1965 House committee reported H. R. 10104 without amendment. H. Report 901. Print of bill and report.
- Sept. 7, 1965 House passed H. R. 10104 without amendment.
- Sept. 9, 1965 H. R. 10104 was referred to Senate Judiciary Committee. Print of bill as referred.
- July 21, 1966 Senate committee reported H. R. 10104 with amendments. S. Report 1380. Print of bill and report.
- July 25, 1966 Senate passed H. R. 10104 as reported.
- Aug. 11, 1966 House concurred in Senate amendment.

DIGEST OF PUBLIC LAW 89-554

GOVERNMENT ORGANIZATION AND EMPLOYEES. Revises, codifies, and enacts as title 5 of the U. S. Code the laws relating to the organization of the Government and to its civilian officers and employees, generally.

CHAPTER

1. ORGANIZATION

2. POWERS

3. ADMINISTRATIVE PROCEDURE

4. FINANCIAL MATTERS

CHAPTER 1—ORGANIZATION

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102. Military Department
103. Governmental Organization
104. Independent Organizations
105. Executive Office

ew
EP 10
89TH CONGRESS
1ST SESSION

Law, Revision
Organization
H. R. 10104

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 1965

Mr. COLLIER introduced the following bill; which was referred to the Committee on the Judiciary

[Codify Gov't organization laws]

A BILL

To enact title 5, United States Code, "Government Organization and Employees", codifying the general and permanent laws relating to the organization of the Government of the United States and to its civilian officers and employees.

1 *Be it enacted by the Senate and House of Representatives of the*
2 *United States of America in Congress assembled, That the laws relat-*
3 *ing to the organization of the Government of the United States and to*
4 *its civilian officers and employees, generally, are revised, codified, and*
5 *enacted as title 5 of the United States Code, entitled "Government*
6 *Organization and Employees", and may be cited as "5 U.S.C., § ",*
7 *as follows:*

8 **TITLE 5—GOVERNMENT ORGANIZATION**
9 **AND EMPLOYEES**

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10 **PART I—THE AGENCIES GENERALLY**

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11 **CHAPTER 1—ORGANIZATION**

Sec.
101. Executive departments.
102. Military departments.
103. Government corporation.
104. Independent establishment.
105. Executive agency.

1 **§ 101. Executive departments**

2 The Executive departments are :

3 The Department of State.

4 The Department of the Treasury.

5 The Department of Defense.

6 The Department of Justice.

7 The Post Office Department.

8 The Department of the Interior.

9 The Department of Agriculture.

10 The Department of Commerce.

11 The Department of Labor.

12 The Department of Health, Education, and Welfare.

13 **§ 102. Military departments**

14 The military departments are :

15 The Department of the Army.

16 The Department of the Navy.

17 The Department of the Air Force.

18 **§ 103. Government corporation**

19 For the purpose of this title—

20 (1) “Government corporation” means a corporation owned or
21 controlled by the Government of the United States; and

22 (2) “Government controlled corporation” does not include a
23 corporation owned by the Government of the United States.

24 **§ 104. Independent establishment**

25 For the purpose of this title, “independent establishment” means—

26 (1) an establishment in the executive branch which is not an
27 Executive department, military department, Government cor-
28 poration, or part thereof, or part of an independent establish-
29 ment; and

30 (2) the General Accounting Office.

31 **§ 105. Executive agency**

32 For the purpose of this title, “Executive agency” means an Execu-
33 tive department, a Government corporation, and an independent
34 establishment.

35 **CHAPTER 3—POWERS**

Sec.

301. Departmental regulations.

302. Delegation of authority.

303. Oaths to witnesses.

304. Subpenas.

305. Systematic agency review of operations.

§ 301. Departmental regulations

The head of an Executive department or military department may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property. This section does not authorize withholding information from the public or limiting the availability of records to the public.

§ 302. Delegation of authority

(a) For the purpose of this section, “agency” has the meaning given it by section 5721 of this title.

(b) In addition to the authority to delegate conferred by other law, the head of an agency may delegate to subordinate officials the authority vested in him—

(1) by law to take final action on matters pertaining to the employment, direction, and general administration of personnel under his agency; and

(2) by section 324 of title 44 to authorize the publication of advertisements, notices, or proposals.

§ 303. Oaths to witnesses

An employee of an Executive department lawfully assigned to investigate frauds on or attempts to defraud the United States, or irregularity or misconduct of an employee or agent of the United States, may administer an oath to a witness attending to testify or depose in the course of the investigation.

§ 304. Subpenas

(a) The head of an Executive department or military department or bureau thereof in which a claim against the United States is pending may apply to a judge or clerk of a court of the United States to issue a subpoena for a witness within the jurisdiction of the court to appear at a time and place stated in the subpoena before an individual authorized to take depositions to be used in the courts of the United States, to give full and true answers to such written interrogatories and cross-interrogatories as may be submitted with the application, or to be orally examined and cross-examined on the subject of the claim.

(b) If a witness, after being served with a subpoena, neglects or refuses to appear, or, appearing, refuses to testify, the judge of the district in which the subpoena issued may proceed, on proper process, to enforce obedience to the subpoena, or to punish for disobedience, in

1 the same manner as a court of the United States may in case of process
2 of subpena ad testificandum issued by the court.

3 **§ 305. Systematic agency review of operations**

4 (a) For the purpose of this section, "agency" means an Executive
5 agency, but does not include—

- 6 (1) a Government controlled corporation;
- 7 (2) the Tennessee Valley Authority;
- 8 (3) The Alaska Railroad;
- 9 (4) the Virgin Islands Corporation;
- 10 (5) the Atomic Energy Commission;
- 11 (6) the Central Intelligence Agency;
- 12 (7) the Panama Canal Company; or
- 13 (8) the National Security Agency, Department of Defense.

14 (b) Under regulations prescribed and administered by the Director
15 of the Bureau of the Budget, each agency shall review systematically
16 the operations of each of its activities, functions, or organization
17 units, on a continuing basis.

18 (c) The purpose of the reviews includes—

- 19 (1) determining the degree of efficiency and economy in the
20 operation of the agency's activities, functions, or organization
21 units;
- 22 (2) identifying the units that are outstanding in those respects;
- 23 and
- 24 (3) identifying the employees whose personal efforts have
25 caused their units to be outstanding in efficiency and economy of
26 operations.

27 **CHAPTER 5—ADMINISTRATIVE PROCEDURE**

28 **SUBCHAPTER I—GENERAL PROVISIONS**

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501. Advertising practice; restrictions.

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575. Organization of the Conference.

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SUBCHAPTER I—GENERAL PROVISIONS

§ 501. Advertising practice; restrictions

An individual, firm, or corporation practicing before an agency of the United States may not use the name of a Member of either House of Congress or of an individual in the service of the United States in advertising the business.

§ 502. Administrative practice; Reserves and National Guardsmen

Membership in a reserve component of the armed forces or in the National Guard does not prevent an individual from practicing his civilian profession or occupation before, or in connection with, an agency of the United States.

§ 503. Witness fees and allowances

(a) For the purpose of this section, "agency" has the meaning given it by section 5721 of this title.

(b) A witness is entitled to the fees and allowances allowed by statute for witnesses in the courts of the United States when—

(1) he is subpoenaed under section 304(a) of this title; or

(2) he is subpoenaed to and appears at a hearing before an agency authorized by law to hold hearings and subpoena witnesses to attend the hearings.

SUBCHAPTER II—ADMINISTRATIVE PROCEDURE

§ 551. Definitions

For the purpose of this subchapter—

(1) "agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include—

(A) the Congress;

(B) the courts of the United States;

(C) the governments of the territories or possessions of the United States;

(D) the government of the District of Columbia;

or except as to the requirements of section 552 of this title—

1 (E) agencies composed of representatives of the parties or
2 of representatives of organizations of the parties to the dis-
3 putes determined by them;

4 (F) courts martial and military commissions;

5 (G) military authority exercised in the field in time of
6 war or in occupied territory; or

7 (H) functions conferred by sections 1738, 1739, 1743,
8 and 1744 of title 12; chapter 2 of title 41; or sections 1622,
9 1641(b)(2), 1884, and 1891-1902 of title 50, appendix;

10 (2) "person" includes an individual, partnership, corporation,
11 association, or public or private organization other than an
12 agency;

13 (3) "party" includes a person or agency named or admitted as a
14 party, or properly seeking and entitled as of right to be admitted
15 as a party, in an agency proceeding, and a person or agency ad-
16 mitted by an agency as a party for limited purposes;

17 (4) "rule" means the whole or a part of an agency statement of
18 general or particular applicability and future effect designed to
19 implement, interpret, or prescribe law or policy or describing the
20 organization, procedure, or practice requirements of an agency
21 and includes the approval or prescription for the future of rates,
22 wages, corporate or financial structures or reorganizations thereof,
23 prices, facilities, appliances, services or allowances therefor or of
24 valuations, costs, or accounting, or practices bearing on any of
25 the foregoing;

26 (5) "rule making" means agency process for formulating,
27 amending, or repealing a rule;

28 (6) "order" means the whole or a part of a final disposition,
29 whether affirmative, negative, injunctive, or declaratory in form,
30 of an agency in a matter other than rule making but including
31 licensing;

32 (7) "adjudication" means agency process for the formulation
33 of an order;

34 (8) "license" includes the whole or a part of an agency permit,
35 certificate, approval, registration, charter, membership, statutory
36 exemption or other form of permission;

37 (9) "licensing" includes agency process respecting the grant,
38 renewal, denial, revocation, suspension, annulment, withdrawal,
39 limitation, amendment, modification, or conditioning of a license;

40 (10) "sanction" includes the whole or a part of an agency—

(A) prohibition, requirement, limitation, or other condition affecting the freedom of a person;

(B) withholding of relief;

(C) imposition of penalty or fine;

(D) destruction, taking, seizure, or withholding of property;

(E) assessment of damages, reimbursement, restitution, compensation, costs, charges, or fees;

(F) requirement, revocation, or suspension of a license;

or

(G) taking other compulsory or restrictive action;

(11) "relief" includes the whole or a part of an agency—

(A) grant of money, assistance, license, authority, exemption, exception, privilege, or remedy;

(B) recognition of a claim, right, immunity, privilege, exemption, or exception; or

(C) taking of other action on the application or petition of, and beneficial to, a person;

(12) "agency proceeding" means an agency process as defined by paragraphs (5), (7), and (9) of this section; and

(13) "agency action" includes the whole or a part of an agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act.

§ 552. Publication of information, rules, opinions, orders, and public records

(a) This section applies, according to the provisions thereof, except to the extent that there is involved—

(1) a function of the United States requiring secrecy in the public interest; or

(2) a matter relating solely to the internal management of an agency.

(b) Each agency shall separately state and currently publish in the Federal Register—

(1) descriptions of its central and field organizations, including delegations of final authority by the agency, and the established places at which, and methods whereby, the public may obtain information or make submittals or requests;

(2) statements of the general course and method by which its functions are channeled and determined, including the nature

1 and requirements of the formal or informal procedures available
 2 and forms and instructions as to the scope and contents of all
 3 papers, reports, or examinations; and

4 (3) substantive rules adopted as authorized by law and state-
 5 ments of general policy or interpretations adopted by the agency
 6 for public guidance, except rules addressed to and served on
 7 named persons in accordance with law.

8 A person may not be required to resort to organization or procedure
 9 not so published.

10 (c) Each agency shall publish or, in accordance with published
 11 rule, make available to public inspection all final opinions or orders
 12 in the adjudication of cases (except those required for good cause to
 13 be held confidential and not cited as precedents) and all rules.

14 (d) Except as otherwise required by statute, matters of official
 15 record shall be made available, in accordance with published rule, to
 16 persons properly and directly concerned, except information held
 17 confidential for good cause found.

18 **§ 553. Rule making**

19 (a) This section applies, according to the provisions thereof, except
 20 to the extent that there is involved—

21 (1) a military or foreign affairs function of the United States;
 22 or

23 (2) a matter relating to agency management or personnel or to
 24 public property, loans, grants, benefits, or contracts.

25 (b) General notice of proposed rule making shall be published in
 26 the Federal Register, unless persons subject thereto are named and
 27 either personally served or otherwise have actual notice thereof in
 28 accordance with law. The notice shall include—

29 (1) a statement of the time, place, and nature of public rule
 30 making proceedings;

31 (2) reference to the legal authority under which the rule is
 32 proposed; and

33 (3) either the terms or substance of the proposed rule or a
 34 description of the subjects and issues involved.

35 Except when notice or hearing is required by statute, this subsection
 36 does not apply—

37 (A) to interpretative rules, general statements of policy, or
 38 rules of agency organization, procedure, or practice; or

39 (B) when the agency for good cause finds (and incorporates

the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

(c) After notice required by this section, the agency shall give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation. After consideration of the relevant matter presented, the agency shall incorporate in the rules adopted a concise general statement of their basis and purpose. When rules are required by statute to be made on the record after opportunity for an agency hearing, sections 556 and 557 of this title apply instead of this subsection.

(d) The required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except—

(1) a substantive rule which grants or recognizes an exemption or relieves a restriction;

(2) interpretative rules and statements of policy; or

(3) as otherwise provided by the agency for good cause found and published with the rule.

(e) Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.

§ 554. Adjudications

(a) This section applies, according to the provisions thereof, in every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing, except to the extent that there is involved—

(1) a matter subject to a subsequent trial of the law and the facts de novo in a court;

(2) the selection or tenure of an employee, except a hearing examiner appointed under section 3105 of this title;

(3) proceedings in which decisions rest solely on inspections, tests, or elections;

(4) the conduct of military or foreign affairs functions;

(5) cases in which an agency is acting as an agent for a court; or

(6) the certification of worker representatives.

(b) Persons entitled to notice of an agency hearing shall be timely informed of—

(1) the time, place, and nature of the hearing;

1 (2) the legal authority and jurisdiction under which the hear-
 2 ing is to be held; and

3 (3) the matters of fact and law asserted.

4 When private persons are the moving parties, other parties to the
 5 proceeding shall give prompt notice of issues controverted in fact or
 6 law; and in other instances agencies may by rule require responsive
 7 pleading. In fixing the time and place for hearings, due regard shall
 8 be had for the convenience and necessity of the parties or their repre-
 9 sentatives.

10 (c) The agency shall give all interested parties opportunity for—

11 (1) the submission and consideration of facts, arguments, offers
 12 of settlement, or proposals of adjustment when time, the nature
 13 of the proceeding, and the public interest permit; and

14 (2) to the extent that the parties are unable so to determine a
 15 controversy by consent, hearing and decision on notice and in
 16 accordance with sections 556 and 557 of this title.

17 (d) The hearing examiner who presides at the reception of evidence
 18 pursuant to section 556 of this title shall make the recommended de-
 19 cision or initial decision required by section 557 of this title, unless
 20 he becomes unavailable to the agency. Except to the extent required
 21 for the disposition of ex parte matters as authorized by law, a hear-
 22 ing examiner may not—

23 (1) consult a person or party on a fact in issue, unless on notice
 24 and opportunity for all parties to participate; or

25 (2) be responsible to or subject to the supervision or direction
 26 of an employee or agent engaged in the performance of investiga-
 27 tive or prosecuting functions for an agency.

28 An employee or agent engaged in the performance of investigative
 29 or prosecuting functions for an agency in a case may not, in that or a
 30 factually related case, participate or advise in the decision, recom-
 31 mended decision, or agency review pursuant to section 557 of this title,
 32 except as witness or counsel in public proceedings. This subsection
 33 does not apply—

34 (A) in determining applications for initial licenses;

35 (B) to proceedings involving the validity or application of
 36 rates, facilities, or practices of public utilities or carriers; or

37 (C) to the agency or a member or members of the body compris-
 38 ing the agency.

39 (e) The agency, with like effect as in the case of other orders, and

1 in its sound discretion, may issue a declaratory order to terminate a
2 controversy or remove uncertainty.

3 **§ 555. Ancillary matters**

4 (a) This section applies, according to the provisions thereof, except
5 as otherwise provided by this subchapter.

6 (b) A person compelled to appear in person before an agency or
7 representative thereof is entitled to be accompanied, represented, and
8 advised by counsel or, if permitted by the agency, by other qualified
9 representative. A party is entitled to appear in person or by or with
10 counsel or other duly qualified representative in an agency proceeding.
11 So far as the orderly conduct of public business permits, an interested
12 person may appear before an agency or its responsible employees for
13 the presentation, adjustment, or determination of an issue, request, or
14 controversy in a proceeding, whether interlocutory, summary, or
15 otherwise, or in connection with an agency function. With due regard
16 for the convenience and necessity of the parties or their representatives
17 and within a reasonable time, each agency shall proceed to conclude a
18 matter presented to it. This subsection does not grant or deny a
19 person who is not a lawyer the right to appear for or represent others
20 before an agency or in an agency proceeding.

21 (c) Process, requirement of a report, inspection, or other investi-
22 gative act or demand may not be issued, made, or enforced except as
23 authorized by law. A person compelled to submit data or evidence is
24 entitled to retain or, on payment of lawfully prescribed costs, procure
25 a copy or transcript thereof, except that in a nonpublic investigatory
26 proceeding the witness may for good cause be limited to inspection of
27 the official transcript of his testimony.

28 (d) Agency subpoenas authorized by law shall be issued to a party
29 on request and, when required by rules of procedure, on a statement or
30 showing of general relevance and reasonable scope of the evidence
31 sought. On contest, the court shall sustain the subpoena or similar
32 process or demand to the extent that it is found to be in accordance
33 with law. In a proceeding for enforcement, the court shall issue an
34 order requiring the appearance of the witness or the production of the
35 evidence or data within a reasonable time under penalty of punish-
36 ment for contempt in case of contumacious failure to comply.

37 (e) Prompt notice shall be given of the denial in whole or in part of
38 a written application, petition, or other request of an interested person

1 made in connection with any agency proceeding. Except in affirming
 2 a prior denial or when the denial is self-explanatory, the notice shall
 3 be accompanied by a brief statement of the grounds for denial.

4 **§ 556. Hearings; presiding employees; powers and duties; burden**
 5 **of proof; evidence; record as basis of decision**

6 (a) This section applies, according to the provisions thereof, to
 7 hearings required by section 553 or 554 of this title to be conducted in
 8 accordance with this section.

9 (b) There shall preside at the taking of evidence—

10 (1) the agency;

11 (2) one or more members of the body which comprises the
 12 agency; or

13 (3) one or more hearing examiners appointed under section
 14 3105 of this title.

15 This subchapter does not supersede the conduct of specified classes of
 16 proceedings, in whole or in part, by or before boards or other em-
 17 ployees specially provided for by or designated under statute. The
 18 functions of presiding employees and of employees participating in
 19 decisions in accordance with section 557 of this title shall be conducted
 20 in an impartial manner. A presiding or participating employee may at
 21 any time disqualify himself. On the filing in good faith of a timely
 22 and sufficient affidavit of personal bias or other disqualification of a
 23 presiding or participating employee, the agency shall determine the
 24 matter as a part of the record and decision in the case.

25 (c) Subject to published rules of the agency and within its powers,
 26 employees presiding at hearings may—

27 (1) administer oaths and affirmations;

28 (2) issue subpoenas authorized by law;

29 (3) rule on offers of proof and receive relevant evidence;

30 (4) take depositions or have depositions taken when the ends
 31 of justice would be served;

32 (5) regulate the course of the hearing;

33 (6) hold conferences for the settlement or simplification of the
 34 issues by consent of the parties;

35 (7) dispose of procedural requests or similar matters;

36 (8) make or recommend decisions in accordance with section
 37 557 of this title; and

38 (9) take other action authorized by agency rule consistent with
 39 this subchapter.

40 (d) Except as otherwise provided by statute, the proponent of a

1 rule or order has the burden of proof. Any oral or documentary evi-
2 dence may be received, but the agency as a matter of policy shall pro-
3 vide for the exclusion of irrelevant, immaterial, or unduly repetitious
4 evidence. A sanction may not be imposed or rule or order issued ex-
5 cept on consideration of the whole record or those parts thereof cited
6 by a party and supported by and in accordance with the reliable,
7 probative, and substantial evidence. A party is entitled to present
8 his case or defense by oral or documentary evidence, to submit re-
9 buttal evidence, and to conduct such cross-examination as may be
10 required for a full and true disclosure of the facts. In rule making
11 or determining claims for money or benefits or applications for initial
12 licenses an agency may, when a party will not be prejudiced thereby,
13 adopt procedures for the submission of all or part of the evidence in
14 written form.

15 (e) The transcript of testimony and exhibits, together with all
16 papers and requests filed in the proceeding, constitutes the exclusive
17 record for decision in accordance with section 557 of this title and, on
18 payment of lawfully prescribed costs, shall be made available to the
19 parties. When an agency decision rests on official notice of a material
20 fact not appearing in the evidence in the record, a party is entitled, on
21 timely request, to an opportunity to show the contrary.

22 **§ 557. Initial decisions; conclusiveness; review by agency; sub-**
23 **missions by parties; contents of decisions; record**

24 (a) This section applies, according to the provisions thereof, when
25 a hearing is required to be conducted in accordance with section 556
26 of this title.

27 (b) When the agency did not preside at the reception of the evidence,
28 the presiding employee or, in cases not subject to section 554(d) of
29 this title, an employee qualified to preside at hearings pursuant to
30 section 556 of this title, shall initially decide the case unless the agency
31 requires, either in specific cases or by general rule, the entire record to
32 be certified to it for decision. When the presiding employee makes
33 an initial decision, that decision then becomes the decision of the agency
34 without further proceedings unless there is an appeal to, or review on
35 motion of, the agency within time provided by rule. On appeal from
36 or review of the initial decision, the agency has all the powers which
37 it would have in making the initial decision except as it may limit the
38 issues on notice or by rule. When the agency makes the decision with-
39 out having presided at the reception of the evidence, the presiding
40 employee or an employee qualified to preside at hearings pursuant to

1 section 556 of this title shall first recommend a decision, except that in
2 rule making or determining applications for initial licenses—

3 (1) instead thereof the agency may issue a tentative decision
4 or one of its responsible employees may recommend a decision; or

5 (2) this procedure may be omitted in a case in which the agency
6 finds on the record that due and timely execution of its functions
7 imperatively and unavoidably so requires.

8 (c) Before a recommended, initial, or tentative decision, or a deci-
9 sion on agency review of the decision of subordinate employees, the
10 parties are entitled to a reasonable opportunity to submit for the con-
11 sideration of the employees participating in the decisions—

12 (1) proposed findings and conclusions; or

13 (2) exceptions to the decisions or recommended decisions of
14 subordinate employees or to tentative agency decisions; and

15 (3) supporting reasons for the exceptions or proposed findings
16 or conclusions.

17 The record shall show the ruling on each finding, conclusion, or excep-
18 tion presented. All decisions, including initial, recommended, and
19 tentative decisions, are a part of the record and shall include a state-
20 ment of—

21 (A) findings and conclusions, and the reasons or basis therefor,
22 on all the material issues of fact, law, or discretion presented on
23 the record; and

24 (B) the appropriate rule, order, sanction, relief, or denial
25 thereof.

26 **§ 558. Imposition of sanctions; determination of applications**
27 **for licenses; suspension, revocation, and expiration of**
28 **licenses**

29 (a) This section applies, according to the provisions thereof, to the
30 exercise of a power or authority.

31 (b) A sanction may not be imposed or a substantive rule or order
32 issued except within jurisdiction delegated to the agency and as
33 authorized by law.

34 (c) When application is made for a license required by law, the
35 agency, with due regard for the rights and privileges of all the inter-
36 ested parties or adversely affected persons and within a reasonable
37 time, shall set and complete proceedings required to be conducted
38 in accordance with sections 556 and 557 of this title or other proceed-
39 ings required by law and shall make its decision. Except in cases of
40 willfulness or those in which public health, interest, or safety requires

otherwise, the withdrawal, suspension, revocation, or annulment of a license is lawful only if, before the institution of agency proceedings therefor, the licensee has been given—

(1) notice by the agency in writing of the facts or conduct which may warrant the action; and

(2) opportunity to demonstrate or achieve compliance with all lawful requirements.

When the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency.

§ 559. Effect on other laws; effect of subsequent statute

This subchapter, chapter 7, and sections 1305, 3105, 3344, 4301(2) (E), 5362, and 7521, and the provisions of section 5335(a) (B) of this title that relate to hearing examiners, do not limit or repeal additional requirements imposed by statute or otherwise recognized by law. Except as otherwise required by law, requirements or privileges relating to evidence or procedure apply equally to agencies and persons. Each agency is granted the authority necessary to comply with the requirements of this subchapter through the issuance of rules or otherwise. Subsequent statute may not be held to supersede or modify this subchapter, chapter 7, sections 1305, 3105, 3344, 4301(2) (E), 5362, or 7521, or the provisions of section 5335(a) (B) of this title that relate to hearing examiners, except to the extent that it does so expressly.

SUBCHAPTER III—ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

§ 571. Purpose

It is the purpose of this subchapter to provide suitable arrangements through which Federal agencies, assisted by outside experts, may cooperatively study mutual problems, exchange information, and develop recommendations for action by proper authorities to the end that private rights may be fully protected and regulatory activities and other Federal responsibilities may be carried out expeditiously in the public interest.

§ 572. Definitions

For the purpose of this subchapter—

(1) “administrative program” includes a Federal function which involves protection of the public interest and the determination of rights, privileges, and obligations of private persons through rule making, adjudication, licensing, or investigation, as

those terms are used in subchapter II of this chapter, except that it does not include a military or foreign affairs function of the United States;

(2) “administrative agency” means an authority as defined by section 551(1) of this title; and

(3) “administrative procedure” means procedure used in carrying out an administrative program and is to be broadly construed to include any aspect of agency organization, procedure, or management which may affect the equitable consideration of public and private interests, the fairness of agency decisions, the speed of agency action, and the relationship of operating methods to later judicial review, but does not include the scope of agency responsibility as established by law or matters of substantive policy committed by law to agency discretion.

§ 573. Administrative Conference of the United States

(a) The Administrative Conference of the United States consists of not more than 91 nor less than 75 members appointed as set forth in subsection (b) of this section.

(b) The Conference is composed of—

(1) a full-time Chairman appointed for a 5-year term by the President, by and with the advice and consent of the Senate. The Chairman is entitled to pay at the highest rate established by statute for the chairman of an independent regulatory board or commission, and may continue to serve until his successor is appointed and has qualified;

(2) the chairman of each independent regulatory board or commission or an individual designated by the board or commission;

(3) the head of each Executive department or other administrative agency which is designated by the President, or an individual designated by the head of the department or agency;

(4) when authorized by the Council referred to in section 575 (b) of this title, one or more appointees from a board, commission, department, or agency referred to in this subsection, designated by the head thereof with, in the case of a board or commission, the approval of the board or commission;

(5) individuals appointed by the President to membership on the Council who are not otherwise members of the Conference; and

(6) not more than 36 other members appointed by the Chair-

man, with the approval of the Council, for terms of 2 years, except that the number of members appointed by the Chairman may at no time be less than one-third nor more than two-fifths of the total number of members. The Chairman shall select the members in a manner which will provide broad representation of the views of private citizens and utilize diverse experience. The members shall be members of the practicing bar, scholars in the field of administrative law or government, or others specially informed by knowledge and experience with respect to Federal administrative procedure.

(c) Members of the Conference, except the Chairman, are not entitled to pay for service. Members appointed from outside the Federal Government are entitled to travel expenses, including per diem instead of subsistence, as authorized by section 5703 of this title for individuals serving without pay.

§ 574. Powers and duties of the Conference

To carry out the purpose of this subchapter, the Administrative Conference of the United States may—

(1) study the efficiency, adequacy, and fairness of the administrative procedure used by administrative agencies in carrying out administrative programs, and make recommendations to administrative agencies, collectively or individually, and to the President, Congress, or the Judicial Conference of the United States in connection therewith, as it considers appropriate;

(2) arrange for interchange among administrative agencies of information potentially useful in improving administrative procedure; and

(3) collect information and statistics from administrative agencies and publish such reports as it considers useful for evaluating and improving administrative procedure.

§ 575. Organization of the Conference

(a) The membership of the Administrative Conference of the United States meeting in plenary session constitutes the Assembly of the Conference. The Assembly has ultimate authority over all activities of the Conference. Specifically, it has the power to—

(1) adopt such recommendations as it considers appropriate for improving administrative procedure. A member who disagrees with a recommendation adopted by the Assembly is entitled to enter a dissenting opinion and an alternate proposal in the record

1 of the Conference proceedings, and the opinion and proposal so
2 entered shall accompany the Conference recommendation in a
3 publication or distribution thereof; and

4 (2) adopt bylaws and regulations not inconsistent with this
5 subchapter for carrying out the functions of the Conference, in-
6 cluding the creation of such committees as it considers necessary
7 for the conduct of studies and the development of recommendations
8 for consideration by the Assembly.

9 (b) The Conference includes a Council composed of the Chairman
10 of the Conference, who is Chairman of the Council, and 10 other
11 members appointed by the President, of whom not more than one-half
12 shall be employees of Federal regulatory agencies or Executive de-
13 partments. The President may designate a member of the Council as
14 Vice Chairman. During the absence or incapacity of the Chairman,
15 or when that office is vacant, the Vice Chairman shall serve as Chair-
16 man. The term of each member, except the Chairman, is 3 years.
17 When the term of a member ends, he may continue to serve until a
18 successor is appointed. However, the service of any member ends when
19 a change in his employment status would make him ineligible for
20 Council membership under the conditions of his original appoint-
21 ment. The Council has the power to—

22 (1) determine the time and place of plenary sessions of the
23 Conference and the agenda for the sessions. The Council shall call
24 at least one plenary session each year;

25 (2) propose bylaws and regulations, including rules of pro-
26 cedure and committee organization, for adoption by the Assembly;

27 (3) make recommendations to the Conference or its committees
28 on a subject germane to the purpose of the Conference;

29 (4) receive and consider reports and recommendations of com-
30 mittees of the Conference and send them to members of the Con-
31 ference with the views and recommendations of the Council;

32 (5) designate a member of the Council to preside at meetings
33 of the Council in the absence or incapacity of the Chairman and
34 Vice Chairman;

35 (6) designate such additional officers of the Conference as it
36 considers desirable;

37 (7) approve or revise the budgetary proposals of the Chair-
38 man; and

39 (8) exercise such other powers as may be delegated to it by
40 the Assembly.

1 (c) The Chairman is the chief executive of the Conference. In
2 that capacity he has the power to—

3 (1) make inquiries into matters he considers important for
4 Conference consideration, including matters proposed by indi-
5 viduals inside or outside the Federal Government;

6 (2) be the official spokesman for the Conference in relations
7 with the the several branches and agencies of the Federal Govern-
8 ment and with interested organizations and individuals outside
9 the Government, including responsibility for encouraging Fed-
10 eral agencies to carry out the recommendations of the Con-
11 ference;

12 (3) request agency heads to provide information needed by
13 the Conference, which information shall be supplied to the ex-
14 tent permitted by law;

15 (4) recommend to the Council appropriate subjects for action
16 by the Conference;

17 (5) appoint, with the approval of the Council, members of
18 committees authorized by the bylaws and regulations of the
19 Conference;

20 (6) prepare, for approval of the Council, estimates of the budg-
21 etary requirements of the Conference;

22 (7) appoint and fix the pay of employees, define their duties
23 and responsibilities, and direct and supervise their activities;

24 (8) rent office space in the District of Columbia;

25 (9) provide necessary services for the Assembly, the Council,
26 and the committees of the Conference;

27 (10) organize and direct studies ordered by the Assembly or
28 the Council, using from time to time, as appropriate, experts
29 and consultants who may be employed under section 3109 of this
30 title, but at rates for individuals not in excess of \$100 a day;

31 (11) on request of the head of an agency, furnish assistance
32 and advice on matters of administrative procedure; and

33 (12) exercise such additional authority as the Council or As-
34 sembly delegates to him.

35 The Chairman shall preside at meetings of the Council and at each
36 plenary session of the Conference, to which he shall make a full report
37 concerning the affairs of the Conference since the last preceding
38 plenary session. The Chairman, on behalf of the Conference, shall
39 transmit to the President and Congress an annual report and such
40 interim reports as he considers desirable.

1 **§ 576. Appropriations**

2 There are authorized to be appropriated sums necessary, not in
3 excess of \$250,000, to carry out the purpose of this subchapter.

4 **CHAPTER 7—JUDICIAL REVIEW**

Sec.

701. Application; definitions.

702. Right of review.

703. Form and venue of proceeding.

704. Actions reviewable.

705. Relief pending review.

706. Scope of review.

5 **§ 701. Application; definitions**

6 (a) This chapter applies, according to the provisions thereof, ex-
7 cept to the extent that—

8 (1) statutes preclude judicial review; or

9 (2) agency action is committed to agency discretion by law..

10 (b) For the purpose of this chapter—

11 (1) “agency” means each authority of the Government of the
12 United States, whether or not it is within or subject to review
13 by another agency, but does not include—

14 (A) the Congress;

15 (B) the courts of the United States;

16 (C) the governments of the territories or possessions of
17 the United States;

18 (D) the government of the District of Columbia;

19 (E) agencies composed of representatives of the parties
20 or of representatives of organizations of the parties to the
21 disputes determined by them;

22 (F) courts martial and military commissions;

23 (G) military authority exercised in the field in time of war
24 or in occupied territory; or

25 (H) functions conferred by sections 1738, 1739, 1743, and
26 1744 of title 12; chapter 2 of title 41; or sections 1622, 1641

27 (b) (2), 1884, and 1891–1902 of title 50, appendix; and

28 (2) “person”, “rule”, “order”, “license”, “sanction”, “relief”,
29 and “agency action” have the meanings given them by section 551
30 of this title.

31 **§ 702. Right of review**

32 A person suffering legal wrong because of agency action, or ad-
33 versely affected or aggrieved by agency action within the meaning of
34 a relevant statute, is entitled to judicial review thereof.

§ 703. Form and venue of proceeding

The form of proceeding for judicial review is the special statutory review proceeding relevant to the subject matter in a court specified by statute or, in the absence or inadequacy thereof, any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus, in a court of competent jurisdiction. Except to the extent that prior, adequate, and exclusive opportunity for judicial review is provided by law, agency action is subject to judicial review in civil or criminal proceedings for judicial enforcement.

§ 704. Actions reviewable

Agency action made reviewable by statute and final agency action for which there is no other adequate remedy in a court are subject to judicial review. A preliminary, procedural, or intermediate agency action or ruling not directly reviewable is subject to review on the review of the final agency action. Except as otherwise expressly required by statute, agency action otherwise final is final for the purposes of this section whether or not there has been presented or determined an application for a declaratory order, for any form of reconsideration, or, unless the agency otherwise requires by rule and provides that the action meanwhile is inoperative, for an appeal to superior agency authority.

§ 705. Relief pending review

When an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review. On such conditions as may be required and to the extent necessary to prevent irreparable injury, the reviewing court, including the court to which a case may be taken on appeal from or on application for certiorari or other writ to a reviewing court, may issue all necessary and appropriate process to postpone the effective date of an agency action or to preserve status or rights pending conclusion of the review proceedings.

§ 706. Scope of review

To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall—

- (1) compel agency action unlawfully withheld or unreasonably delayed; and

1 (2) hold unlawful and set aside agency action, findings, and
2 conclusions found to be—

3 (A) arbitrary, capricious, an abuse of discretion, or other-
4 wise not in accordance with law;

5 (B) contrary to constitutional right, power, privilege, or
6 immunity;

7 (C) in excess of statutory jurisdiction, authority, or limi-
8 tations, or short of statutory right;

9 (D) without observance of procedure required by law;

10 (E) unsupported by substantial evidence in a case subject
11 to sections 556 and 557 of this title or otherwise reviewed on
12 the record of an agency hearing provided by statute; or

13 (F) unwarranted by the facts to the extent that the facts
14 are subject to trial de novo by the reviewing court.

15 In making the foregoing determinations, the court shall review the
16 whole record or those parts of it cited by a party, and due account
17 shall be taken of the rule of prejudicial error.

18 **PART II—THE UNITED STATES CIVIL SERVICE**
19 **COMMISSION**

CHAPTER	Sec.
11. ORGANIZATION.....	1101
13. SPECIAL AUTHORITY.....	1301
15. POLITICAL ACTIVITY OF CERTAIN STATE AND LOCAL EMPLOYEES.....	1501

20 **CHAPTER 11—ORGANIZATION**

Sec.
1101. Appointment of Commissioners.
1102. Term of office; filling vacancies; removal.
1103. Chairman; Vice Chairman; Executive Director.
1104. Functions of Chairman.
1105. Boards of examiners.

21 **§ 1101. Appointment of Commissioners**

22 The United States Civil Service Commission is composed of three
23 members appointed by the President, by and with the advice and con-
24 sent of the Senate, not more than two of whom may be adherents of
25 the same political party and none of whom may hold another office or
26 position in the Government of the United States.

27 **§ 1102. Term of office; filling vacancies; removal**

28 (a) The term of office of each Civil Service Commissioner is 6
29 years. The term of one Commissioner ends on March 1 of each odd-
30 numbered year.

31 (b) A Commissioner appointed to fill a vacancy occurring before the
32 end of the term of office of his predecessor, serves for the remainder
33 of that term. The appointment is subject to the requirements of sec-
34 tion 1101 of this title.

(c) When the term of office of a Commissioner ends, he may continue to serve until his successor is appointed and has qualified.

(d) The President may remove a Commissioner.

§ 1103. Chairman; Vice Chairman; Executive Director

(a) The President shall from time to time designate one of the Commissioners as the presiding head of the Civil Service Commission with the title of "Chairman, United States Civil Service Commission". The Chairman is the chief executive and administrative officer of the Commission.

(b) The President shall from time to time designate one of the Commissioners as Vice Chairman of the Commission. During the absence or disability of the Chairman, or when the office is vacant, the Vice Chairman shall perform the functions vested in the Chairman by section 1104 of this title.

(c) During the absence or disability of both the Chairman and the Vice Chairman, or when both offices are vacant, the remaining Commissioner shall perform the functions vested in the Chairman by section 1104 of this title.

(d) There is under the Chairman an Executive Director who is appointed in the competitive service by the Chairman. During the absence or disability of all three Commissioners, or when the offices of the three Commissioners are vacant, the Executive Director shall perform the functions vested in the Chairman by section 1104 of this title. However, the Executive Director may not sit as a member or acting member of the Commission.

§ 1104. Functions of Chairman

(a) The following functions are vested in the Chairman, United States Civil Service Commission, and shall be performed by him or, subject to his direction and control, by such employees under his jurisdiction as he designates—

(1) acting with Civil Service Commission boards of examiners, so far as practicable, to secure accuracy, uniformity, and justice in their proceedings;

(2) appointing individuals employed under the Commission, including an employee to have such functions and duties with respect to retirement, life insurance, and health benefits programs as the Commission may prescribe, except that—

(A) employees who are engaged regularly and full time in assisting the Commission in the performance of functions

1 reserved to it by subsection (b) of this section are appointed
2 by the Commission; and

3 (B) the regional directors and the heads of the major
4 administrative units reporting directly to the Chairman or
5 Executive Director are appointed by the Chairman only after
6 consultation with the other Commissioners;

7 (3) directing, and supervising activities of, employees of the
8 Commission, distributing business among employees and organ-
9 izational units of the Commission, and directing the internal
10 management of the affairs of the Commission, except that the func-
11 tions named by this paragraph do not include functions with re-
12 spect to employees whose appointments remain vested in the
13 Commission by paragraph (2) (A) of this subsection;

14 (4) directing the preparation of the budget estimates and the
15 use and expenditure of funds; and

16 (5) executing, administering, and enforcing—

17 (A) the civil service rules and regulations of the President
18 and the Commission and the statutes governing the same;
19 and

20 (B) the other activities of the Commission including re-
21 tirement and classification activities.

22 (b) The functions named by subsection (a) (5) of this section do
23 not include functions of the Commission with respect to—

24 (1) the preparation of rules under section 1301 of this title,
25 and the making of an annual report under section 1308(a) (1)
26 of this title;

27 (2) the prescription of rules, regulations, or similar policy
28 directives;

29 (3) the prevention of pernicious political activities, including
30 functions under chapter 15 and section 1302(d) of this title;

31 (4) the hearing or providing for the hearing of appeals, in-
32 cluding appeals with respect to examination ratings, veterans'
33 preference, racial and religious discrimination, disciplinary action,
34 performance ratings, and dismissals, and the taking of final action
35 on those appeals;

36 (5) the recommendation to the President for transmittal to
37 Congress of such legislative or other measures as will promote an
38 efficient civil service and a systematic application of merit system
39 principles, including measures relating to the selection, promotion,

transfer, performance, pay, conditions of service, tenure, and separation of employees;

(6) the investigation of matters pertaining to the administration of functions of the Commission or Chairman; or

(7) the revision and submission of budget estimates to the Bureau of the Budget.

§ 1105. Boards of examiners

(a) The Civil Service Commission shall, in the District of Columbia, and in one or more places in each State and territory or possession of the United States where examinations are to be held, designate at least three individuals in the service of the United States, residing in the State or territory or possession, to be members of Civil Service Commission boards of examiners. The Commission shall consult the head of the agency in which the individuals are serving before designating them as members of a board of examiners. The Commission may at any time substitute another individual residing in the State or territory or possession for one serving as a member of a board of examiners. The boards of examiners shall be so located as to make it reasonably convenient and inexpensive for applicants to attend before them.

(b) The proceedings of the boards of examiners are open to the Chairman, United States Civil Service Commission.

CHAPTER 13—SPECIAL AUTHORITY

Sec.

1301. Rules.

1302. Regulations.

1303. Investigations; reports.

1304. Loyalty investigations; reports; revolving fund.

1305. Hearing examiners.

1306. Oaths to witnesses.

1307. Minutes.

1308. Annual reports.

§ 1301. Rules

The Civil Service Commission shall aid the President, as he may request, in preparing the rules he prescribes under this title for the administration of the competitive service.

§ 1302. Regulations

(a) The Civil Service Commission, subject to the rules prescribed by the President under this title for the administration of the competitive service, shall prescribe regulations for, control, supervise, and preserve the records of, examinations for the competitive service.

(b) The Commission shall prescribe and enforce regulations for the administration of the provisions of this title, and Executive orders

1 issued in furtherance thereof, that implement the Congressional policy
2 that preference shall be given to preference eligibles in certification
3 for appointment, and in appointment, reinstatement, reemployment,
4 and retention, in the competitive service in Executive agencies, perma-
5 nent or temporary, and in the government of the District of Columbia.

6 (c) The Commission shall prescribe regulations for the adminis-
7 tration of the provisions of this title that implement the Congressional
8 policy that preference shall be given to preference eligibles in certifi-
9 cation for appointment, and in appointment, reinstatement, reemploy-
10 ment, and retention, in the excepted service in Executive agencies,
11 permanent or temporary, and in the government of the District of
12 Columbia.

13 (d) The Commission may prescribe reasonable procedure and reg-
14 ulations for the administration of its functions under chapter 15 of
15 this title.

16 **§ 1303. Investigations; reports**

17 The Civil Service Commission may investigate and report on matters
18 concerning—

19 (1) the enforcement and effect of the rules prescribed by the
20 President under this title for the administration of the competi-
21 tive service and the regulations prescribed by the Commission
22 under section 1302(a) of this title; and

23 (2) the action of an examiner, a board of examiners, and other
24 employees concerning the execution of the provisions of this title
25 that relate to the administration of the competitive service.

26 **§ 1304. Loyalty investigations; reports; revolving fund**

27 (a) The Civil Service Commission shall conduct the investigations
28 and issue the reports required by the following statutes—

29 (1) sections 272b, 281b(e), 290a, and 1434 of title 22;

30 (2) section 1874(c) of title 42; and

31 (3) section 1203(e) of title 6, District of Columbia Code.

32 (b) When an investigation under subsection (a) of this section
33 develops data indicating that the loyalty of the individual being
34 investigated is questionable, the Commission shall refer the matter
35 to the Federal Bureau of Investigation for a full field investigation,
36 a report of which shall be furnished to the Commission for its informa-
37 tion and appropriate action.

38 (c) When the President considers it in the national interest, he may
39 have the investigations of a group or class, which are required by sub-

1 section (a) of this section, made by the Federal Bureau of Investiga-
2 tion rather than the Commission.

3 (d) The investigation and report required by subsection (a) of this
4 section shall be made by the Federal Bureau of Investigation rather
5 than the Commission for those specific positions which the Secretary
6 of State certifies are of a high degree of importance or sensitivity.

7 (e) A revolving fund of \$4,000,000 is available to the Commission
8 without fiscal year limitation for financing investigations, the costs
9 of which are required or authorized by statute to be borne by appro-
10 priations or funds of other agencies. The fund shall be reimbursed
11 from available funds of agencies for investigations made for them at
12 rates estimated by the Commission to be adequate to recover expenses
13 of operation, including provision for accrued annual leave and depre-
14 ciation of equipment purchased by the fund. Any surplus accruing to
15 the fund in a fiscal year may be applied to restore any impairment of
16 the capital of the fund because of variations between the rates charged
17 for work or services and the amount later determined by the Com-
18 mission to be the cost of performing the work or service. Any surplus
19 remaining shall be paid into the general fund of the Treasury of the
20 United States as miscellaneous receipts during the following fiscal
21 year.

22 (f) An agency may use available appropriations to reimburse the
23 Commission or the Federal Bureau of Investigation for the cost of
24 investigations made for them under this section, or to make advances
25 toward their cost. These advances and reimbursements shall be
26 credited directly to the applicable appropriations of the Commission
27 or the Federal Bureau of Investigation.

28 (g) This section does not affect the responsibility of the Federal
29 Bureau of Investigation to investigate espionage, sabotage, or sub-
30 versive acts.

31 **§ 1305. Hearing examiners**

32 For the purpose of sections 3105, 3344, 4301(2)(E), 5362, and 7521
33 and the provisions of section 5335(a)(B) of this title that relate to
34 hearing examiners, the Civil Service Commission may investigate, re-
35 quire reports by agencies, issue reports, including an annual report to
36 Congress, prescribe regulations, appoint advisory committees as nec-
37 essary, recommend legislation, subpoena witnesses and records, and pay
38 witness fees as established for the courts of the United States.

1 **§ 1306. Oaths to witnesses**

2 Each Civil Service Commissioner, including the Chairman, and
3 authorized representatives of the Commission or Chairman, may
4 administer oaths to witnesses in matters pending before the Com-
5 mission.

6 **§ 1307. Minutes**

7 The Civil Service Commission shall keep minutes of its proceedings.

8 **§ 1308. Annual reports**

9 (a) The Civil Service Commission shall make an annual report to
10 the President for transmittal to Congress. The report shall include—

11 (1) a statement of the Commission's actions in the administra-
12 tion of the competitive service, the rules and regulations and
13 exceptions thereto in force, the reasons for exceptions to the rules,
14 the practical effects of the rules and regulations, and any recom-
15 mendations for the more effectual accomplishment of the purposes
16 of the provisions of this title that relate to the administration of
17 the competitive service;

18 (2) the results of the incentive awards program authorized by
19 chapter 45 of this title with related recommendations;

20 (3) at the end of each fiscal year, the names, addresses, and
21 nature of employment of the individuals on whom the Commis-
22 sion has imposed a penalty for prohibited political activity under
23 section 7325 of this title, with a statement of the facts on which
24 action was taken, and the penalty imposed; and

25 (4) a statement, in the form determined by the Commission
26 with the approval of the President, on the training of employees
27 under chapter 41 of this title, including—

28 (A) a summary of information concerning the operation
29 and results of the training programs and plans of the
30 agencies;

31 (B) a summary of information received by the Commis-
32 sion from the agencies under section 4113(b) of this title; and

33 (C) the recommendations and other matters considered
34 appropriate by the President or the Commission or required
35 by Congress.

36 (b) The Commission shall report annually to the President for
37 transmittal to Congress on the administration of chapter 41 of this
38 title, including the information received by the Commission from the
39 agencies under section 4113(b) (2) and (3) of this title.

(c) The Commission shall publish an annual report on the operation of subchapter III of chapter 83 of this title, including a statement concerning the status of the Civil Service Retirement and Disability Fund on a normal cost plus interest basis.

(d) The Commission shall report annually to Congress on the operation of chapter 87 of this title.

(e) The Commission shall report annually to Congress on the operation of chapter 89 of this title.

CHAPTER 15—POLITICAL ACTIVITY OF CERTAIN STATE AND LOCAL EMPLOYEES

Sec.

1501. Definitions.

1502. Influencing elections; taking part in political campaigns; prohibitions; exceptions.

1503. Nonpartisan political activity permitted.

1504. Investigations; notice of hearing.

1505. Hearings; adjudications; notice of determinations.

1506. Orders; withholding loans or grants; limitations.

1507. Subpenas and depositions.

1508. Judicial review.

§ 1501. Definitions

For the purpose of this chapter—

(1) “State” means a State or territory or possession of the United States;

(2) “State or local agency” means the executive branch of a State, municipality, or other political subdivision of a State, or an agency or department thereof;

(3) “Federal agency” means an Executive agency or other agency of the United States, but does not include a member bank of the Federal Reserve System;

(4) “State or local officer or employee” means an individual employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency, but does not include—

(A) an individual who exercises no functions in connection with that activity; or

(B) an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization; and

(5) the phrase “an active part in political management or in

1 political campaigns” means those acts of political management or
 2 political campaigning which were prohibited on the part of em-
 3 ployees in the competitive service before July 19, 1940, by deter-
 4 minations of the Civil Service Commission under the rules
 5 prescribed by the President.

6 **§ 1502. Influencing elections; taking part in political campaigns;**
 7 **prohibitions; exceptions**

8 (a) A State or local officer or employee may not—

9 (1) use his official authority or influence for the purpose of
 10 interfering with or affecting the result of an election or a nomina-
 11 tion for office;

12 (2) directly or indirectly coerce, attempt to coerce, command,
 13 or advise a State or local officer or employee to pay, lend, or con-
 14 tribute anything of value to a party, committee, organization,
 15 agency, or person for political purposes; or

16 (3) take an active part in political management or in political
 17 campaigns.

18 (b) A State or local officer or employee retains the right to vote as
 19 he chooses and to express his opinions on political subjects and
 20 candidates.

21 (c) Subsection (a) (3) of this section does not apply to—

22 (1) the Governor or Lieutenant Governor of a State or an
 23 individual authorized by law to act as Governor;

24 (2) the mayor of a city;

25 (3) a duly elected head of an executive department of a State
 26 or municipality who is not classified under a State or municipal
 27 merit or civil-service system; or

28 (4) an individual holding elective office.

29 **§ 1503. Nonpartisan political activity permitted**

30 Section 1502(a) (3) of this title does not prohibit political activity
 31 in connection with—

32 (1) an election and the preceding campaign if none of the
 33 candidates is to be nominated or elected at that election as rep-
 34 resenting a party any of whose candidates for presidential elector
 35 received votes in the last preceding election at which presidential
 36 electors were selected; or

37 (2) a question which is not specifically identified with a Na-
 38 tional or State political party.

39 For the purpose of this section, questions relating to constitutional
 40 amendments, referendums, approval of municipal ordinances, and

1 others of a similar character, are deemed not specifically identified
2 with a National or State political party.

3 **§ 1504. Investigations; notice of hearing**

4 When a Federal agency charged with the duty of making a loan or
5 grant of funds of the United States for use in an activity by a State or
6 local officer or employee has reason to believe that the officer or em-
7 ployee has violated section 1502 of this title, it shall report the matter
8 to the Civil Service Commission. On receipt of the report, or on
9 receipt of other information which seems to the Commission to warrant
10 an investigation, the Commission shall—

11 (1) fix a time and place for a hearing; and

12 (2) send, by registered or certified mail, to the officer or em-
13 ployee charged with the violation and to the State or local agency
14 employing him a notice setting forth a summary of the alleged
15 violation and giving the time and place of the hearing.

16 The hearing may not be held earlier than 10 days after the mailing of
17 the notice.

18 **§ 1505. Hearings; adjudications; notice of determinations**

19 Either the State or local officer or employee or the State or local
20 agency employing him, or both, are entitled to appear with counsel at
21 the hearing under section 1504 of this title, and be heard. After this
22 hearing, the Civil Service Commission shall—

23 (1) determine whether a violation of section 1502 of this title
24 has occurred;

25 (2) determine whether the violation warrants the removal of
26 the officer or employee from his office or employment; and

27 (3) notify the officer or employee and the agency of the deter-
28 mination by registered or certified mail.

29 **§ 1506. Orders; withholding loans or grants; limitations**

30 (a) When the Civil Service Commission finds—

31 (1) that a State or local officer or employee has not been re-
32 moved from his office or employment within 30 days after notice
33 of a determination by the Commission that he has violated section
34 1502 of this title and that the violation warrants removal; or

35 (2) that the State or local officer or employee has been removed
36 and has been appointed within 18 months after his removal to an
37 office or employment in the same State in a State or local agency
38 which does not receive loans or grants from a Federal agency;

39 the Commission shall make and certify to the appropriate Federal
40 agency an order requiring that agency to withhold from its loans or

1 grants to the State or local agency to which notice was given an
2 amount equal to 2 years' pay at the rate the officer or employee was
3 receiving at the time of the violation. When the State or local agency
4 to which appointment within 18 months after removal has been made
5 is one that receives loans or grants from a Federal agency, the Com-
6 mission order shall direct that the withholding be made from that
7 State or local agency.

8 (b) Notice of the order shall be sent by registered or certified mail
9 to the State or local agency from which the amount is ordered to be
10 withheld. After the order becomes final, the Federal agency to which
11 the order is certified shall withhold the amount in accordance with
12 the terms of the order. Except as provided by section 1508 of this
13 title, a determination or order of the Commission becomes final at the
14 end of 30 days after mailing the notice of the determination or order.

15 (c) The Commission may not require an amount to be withheld
16 from a loan or grant pledged by a State or local agency as security for
17 its bonds or notes if the withholding of that amount would jeopardize
18 the payment of the principal or interest on the bonds or notes.

19 **§ 1507. Subpenas and depositions**

20 (a) The Civil Service Commission may require by subpoena the
21 attendance and testimony of witnesses and the production of docu-
22 mentary evidence relating to any matter before it as a result of this
23 chapter. Any member of the Commission may sign subpoenas, and
24 members of the Commission and its examiners when authorized by
25 the Commission may administer oaths, examine witnesses, and receive
26 evidence. The attendance of witnesses and the production of docu-
27 mentary evidence may be required from any place in the United States
28 at the designated place of hearing. In case of disobedience to a sub-
29 pena, the Commission may invoke the aid of a court of the United
30 States in requiring the attendance and testimony of witnesses and the
31 production of documentary evidence. In case of contumacy or refusal
32 to obey a subpoena issued to a person, the United States District Court
33 within whose jurisdiction the inquiry is carried on may issue an order
34 requiring him to appear before the Commission, or to produce docu-
35 mentary evidence if so ordered, or to give evidence concerning the
36 matter in question; and any failure to obey the order of the court may
37 be punished by the court as a contempt thereof.

38 (b) The Commission may order testimony to be taken by deposi-
39 tion at any stage of a proceeding or investigation before it as a result
40 of this chapter. Depositions may be taken before an individual desig-
41 nated by the Commission and having the power to administer oaths.

1 Testimony shall be reduced to writing by the individual taking the
2 deposition, or under his direction, and shall be subscribed by the
3 deponent. Any person may be compelled to appear and depose and
4 to produce documentary evidence before the Commission as provided
5 by this section.

6 (c) A person may not be excused from attending and testifying
7 or from producing documentary evidence or in obedience to a subpoena
8 on the ground that the testimony or evidence, documentary or other-
9 wise, required of him may tend to incriminate him or subject him to
10 a penalty or forfeiture for or on account of any transaction, matter,
11 or thing concerning which he is compelled to testify, or produce evi-
12 dence, documentary or otherwise, before the Commission in obedience
13 to a subpoena issued by it. A person so testifying is not exempt from
14 prosecution and punishment for perjury committed in so testifying.

15 **§ 1508. Judicial review**

16 A party aggrieved by a determination or order of the Civil Service
17 Commission under section 1504, 1505, or 1506 of this title may, within
18 30 days after the mailing of notice of the determination or order,
19 institute proceedings for review thereof by filing a petition in the
20 United States District Court for the district in which the State or
21 local officer or employee resides. The institution of the proceedings
22 does not operate as a stay of the determination or order unless—

23 (1) the court specifically orders a stay; and

24 (2) the officer or employee is suspended from his office or em-
25 ployment while the proceedings are pending.

26 A copy of the petition shall immediately be served on the Commission,
27 and thereupon the Commission shall certify and file in the court a
28 transcript of the record on which the determination or order was
29 made. The court shall review the entire record including questions of
30 fact and questions of law. If application is made to the court for leave
31 to adduce additional evidence, and it is shown to the satisfaction of
32 the court that the additional evidence may materially affect the result
33 of the proceedings and that there were reasonable grounds for failure
34 to adduce this evidence in the hearing before the Commission, the
35 court may direct that the additional evidence be taken before the Com-
36 mission in the manner and on the terms and conditions fixed by the
37 court. The Commission may modify its findings of fact or its deter-
38 mination or order in view of the additional evidence and shall file with
39 the court the modified findings, determination, or order; and the modi-

1 fied findings of fact, if supported by substantial evidence, are con-
2 clusive. The court shall affirm the determination or order, or the modi-
3 fied determination or order, if the court determines that it is in accord-
4 ance with law. If the court determines that the determination or
5 order, or the modified determination or order, is not in accordance with
6 law, the court shall remand the proceeding to the Commission with
7 directions either to make a determination or order determined by the
8 court to be lawful or to take such further proceedings as, in the opinion
9 of the court, the law requires. The judgment and decree of the court
10 are final, subject to review by the appropriate United States Court of
11 Appeals as in other cases, and the judgment and decree of the court
12 of appeals are final, subject to review by the Supreme Court of the
13 United States on certiorari or certification as provided by section 1254
14 of title 28. If a provision of this section is held to be invalid as applied
15 to a party by a determination or order of the Commission, the deter-
16 mination or order becomes final and effective as to that party as if the
17 provision had not been enacted.

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Subpart A—General Provisions

CHAPTER 21—DEFINITIONS

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2103. The excepted service.

2104. Officer.

2105. Employee.

2106. Member of Congress.

2107. Congressional employee.

2108. Veteran ; disabled veteran ; preference eligible.

§ 2101. Civil service ; armed forces ; uniformed services

For the purpose of this title—

(1) the “civil service” consists of all appointive positions in the executive, judicial, and legislative branches of the Government of the United States, except positions in the uniformed services ;

(2) “armed forces” mean the Army, Navy, Air Force, Marine Corps, and Coast Guard ; and

(3) “uniformed services” means the armed forces, the commissioned corps of the Public Health Service, and the commissioned corps of the Coast and Geodetic Survey.

§ 2102. The competitive service

(a) The “competitive service” consists of—

(1) all civil service positions in the executive branch, except—

(A) positions which are specifically excepted from the competitive service by or under statute ; and

(B) positions to which appointments are made by nomination for confirmation by the Senate, unless the Senate otherwise directs ;

(2) civil service positions not in the executive branch which are specifically included in the competitive service by statute ; and

(3) positions in the government of the District of Columbia which are specifically included in the competitive service by statute.

(b) Notwithstanding subsection (a)(1)(B) of this section, the “competitive service” includes positions to which appointments are

1 made by nomination for confirmation by the Senate when specifically
2 included therein by statute.

3 (c) As used in other Acts of Congress, "classified civil service" or
4 "classified service" means the "competitive service".

5 **§ 2103. The excepted service**

6 (a) For the purpose of this title, the "excepted service" consists
7 of those civil service positions which are not in the competitive service.

8 (b) As used in other Acts of Congress, "unclassified civil service"
9 or "unclassified service" means the "excepted service".

10 **§ 2104. Officer**

11 For the purpose of this title, "officer", except when specifically modi-
12 fied, means a justice or judge of the United States and an individual
13 who is—

14 (1) required by law to be appointed in the civil service by one
15 of the following acting in an official capacity—

16 (A) the President;

17 (B) a court of the United States;

18 (C) the head of an Executive agency; or

19 (D) the Secretary of a military department;

20 (2) engaged in the performance of a Federal function under
21 authority of law or an Executive act; and

22 (3) subject to the supervision of an authority named by para-
23 graph (1) of this section, or the Judicial Conference of the United
24 States, while engaged in the performance of the duties of his
25 office.

26 **§ 2105. Employee**

27 (a) For the purpose of this title, "employee", except as otherwise
28 provided by this section or when specifically modified, means an officer
29 and an individual who is—

30 (1) appointed in the civil service by one of the following acting
31 in an official capacity—

32 (A) the President;

33 (B) a Member or Members of Congress, or the Congress;

34 (C) a member of a uniformed service; or

35 (D) an individual who is an employee under this section;

36 (2) engaged in the performance of a Federal function under
37 authority of law or an Executive act; and

38 (3) subject to the supervision of an individual named by para-
39 graph (1) of this subsection while engaged in the performance of
40 the duties of his position.

1 (b) An individual employed at the United States Naval Academy
 2 in the midshipmen's laundry, the midshipmen's tailor shop, the mid-
 3 shipmen's cobbler and barber shops, and the midshipmen's store,
 4 except an individual employed by the Academy dairy, is deemed an
 5 employee.

6 (c) An employee paid from nonappropriated funds of the Army
 7 and Air Force Exchange Service, Army and Air Force Motion
 8 Picture Service, Navy Ship's Stores Ashore, Navy exchanges, Marine
 9 Corps exchanges, Coast Guard exchanges, and other instrumentalities
 10 of the United States under the jurisdiction of the armed forces con-
 11 ducted for the comfort, pleasure, contentment, and mental and phys-
 12 ical improvement of personnel of the armed forces is deemed not an
 13 employee for the purpose of—

14 (1) laws administered by the Civil Service Commission; or

15 (2) subchapter I of chapter 81 and section 7902 of this title.

16 This subsection does not affect the status of these nonappropriated
 17 fund activities as Federal instrumentalities.

18 (d) A Reserve of the armed forces who is not on active duty or who
 19 is on active duty for training is deemed not an employee or an indi-
 20 vidual holding an office of trust or profit or discharging an official
 21 function under or in connection with the United States because of
 22 his appointment, oath, or status, or any duties or functions performed
 23 or pay or allowances received in that capacity.

24 **§ 2106. Member of Congress**

25 For the purpose of this title, "Member of Congress" means the Vice
 26 President, a member of the Senate or the House of Representatives,
 27 and the Resident Commissioner from Puerto Rico.

28 **§ 2107. Congressional employee**

29 For the purpose of this title, "Congressional employee" means—

30 (1) an employee of either House of Congress, of a committee
 31 of either House, or of a joint committee of the two Houses;

32 (2) an elected officer of either House who is not a Member of
 33 Congress;

34 (3) the Legislative Counsel of either House and an employee
 35 of his office;

36 (4) a member of the Capitol Police;

37 (5) an employee of a Member of Congress if the pay of the
 38 employee is paid by the Secretary of the Senate or the Clerk of
 39 the House of Representatives;

40 (6) an Official Reporter of Debates of the Senate, and an indi-

vidual employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties; and (7) the Architect of the Capitol and an employee of the Architect of the Capitol.

§ 2108. Veteran; disabled veteran; preference eligible

For the purpose of this title—

(1) “veteran” means an individual who served on active duty in the armed forces during a war, in a campaign or expedition for which a campaign badge has been authorized, or during the period beginning April 28, 1952, and ending July 1, 1955, and has been separated therefrom under honorable conditions;

(2) “disabled veteran” means an individual who has served on active duty in the armed forces, has been separated therefrom under honorable conditions, and has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the Veterans’ Administration or a military department; and

(3) “preference eligible” means—

(A) a veteran;

(B) a disabled veteran;

(C) the unmarried widow of a veteran;

(D) the wife of a service-connected disabled veteran if the veteran has been unable to qualify for any appointment in the civil service or in the government of the District of Columbia;

(E) the mother of an individual who lost his life under honorable conditions while serving in the armed forces during a period named by paragraph (1) of this section, if—

(i) her husband is totally and permanently disabled;

(ii) she is widowed, divorced, or separated from the father and has not remarried; or

(iii) she has remarried but is widowed, divorced, or legally separated from her husband when preference is claimed; and

(F) the mother of a service-connected permanently and totally disabled veteran, if—

(i) her husband is totally and permanently disabled;

(ii) she is widowed, divorced, or separated from the father and has not remarried; or

(iii) she has remarried but is widowed, divorced, or legally separated from her husband when preference is claimed.

CHAPTER 29—COMMISSIONS, OATHS, RECORDS, AND REPORTS

SUBCHAPTER I—COMMISSIONS, OATHS, AND RECORDS

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2902. Commission; where recorded.

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2951. Reports to the Civil Service Commission.

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SUBCHAPTER I—COMMISSIONS, OATHS, AND RECORDS

§ 2901. Commission of an officer

The President may make out and deliver, after adjournment of the Senate, the commission of an officer whose appointment has been confirmed by the Senate.

§ 2902. Commission; where recorded

(a) Except as provided by subsections (b) and (c) of this section, the Secretary of State shall make out and record, and affix the seal of the United States to, the commission of an officer appointed by the President. The seal of the United States may not be affixed to the commission before the commission has been signed by the President, without the special warrant of the President therefor.

(b) The commission of an officer in the civil service or uniformed services under the control of the Postmaster General, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of a military department, the Secretary of the Interior, or the Secretary of the Treasury shall be made out and recorded in the department in which he is to serve under the seal of that department. The departmental seal may not be affixed to the commission before the commission has been signed by the President.

(c) The commissions of judicial officers and United States attorneys and marshals, appointed by the President, by and with the advice and consent of the Senate, and other commissions which before August 8, 1888, were prepared at the Department of State on the requisition of the Attorney General, shall be made out and recorded in the Depart-

1 ment of Justice under the seal of that department and countersigned
 2 by the Attorney General. The departmental seal may not be affixed
 3 to the commission before the commission has been signed by the Presi-
 4 dent.

5 **§ 2903. Oath; authority to administer**

6 (a) The oath of office required by section 3331 of this title may be
 7 administered by an individual authorized by the laws of the United
 8 States or local law to administer oaths in the State, District, or ter-
 9 ritory or possession of the United States where the oath is
 10 administered.

11 (b) An employee of an Executive agency designated in writing by
 12 the head of the Executive agency may administer—

13 (1) the oath of office required by section 3331 of this title, inci-
 14 dent to entrance into the executive branch; or

15 (2) any other oath required by law in connection with employ-
 16 ment in the executive branch.

17 (c) An oath authorized or required under the laws of the United
 18 States may be administered by—

19 (1) the Vice President; or

20 (2) an individual authorized by local law to administer oaths
 21 in the State, District, or territory or possession of the United
 22 States where the oath is administered.

23 **§ 2904. Oath; administered without fees**

24 An employee of an Executive agency who is authorized to admin-
 25 ister the oath of office required by section 3331 of this title, or any other
 26 oath required by law in connection with employment in the executive
 27 branch, may not charge or receive a fee or pay for administering the
 28 oath.

29 **§ 2905. Oath; renewal**

30 (a) An employee of an Executive agency or an individual employed
 31 by the government of the District of Columbia who, on original ap-
 32 pointment, subscribed to the oath of office required by section 3331 of
 33 this title is not required to renew the oath because of a change in
 34 status, so long as his service is continuous in the agency in which he is
 35 employed, unless, in the opinion of the head of the Executive agency or
 36 the Commissioners of the District of Columbia, the public interest so
 37 requires.

38 (b) An individual who, on appointment as an employee of a House
 39 of Congress, subscribed to the oath of office required by section 3331 of
 40 this title is not required to renew the oath so long as his service as an
 41 employee of that House of Congress is continuous.

§ 2906. Oath; custody

The oath of office taken by an individual under section 3331 of this title shall be delivered by him to, and preserved by, the House of Congress, agency, or court to which the office pertains.

SUBCHAPTER II—REPORTS

§ 2951. Reports to the Civil Service Commission

The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that—

(1) the appointing authority notify the Civil Service Commission in writing of the following actions and their dates as to each individual selected for appointment in the competitive service from among those who have been examined—

(A) appointment and residence of appointee;

(B) separation during probation;

(C) transfer;

(D) resignation; and

(E) removal; and

(2) the Commission keep records of these actions.

§ 2952. Time of making annual reports

Except when a different time is specifically prescribed by statute, the head of each Executive department or military department shall make the annual reports, required to be submitted to Congress, at the beginning of each regular session of Congress. The reports shall cover the transactions of the preceding year.

§ 2953. Reports to Congress on additional employee requirements

(a) Each report, recommendation, or other communication, of an official nature, of an Executive agency which—

(1) relates to pending or proposed legislation which, if enacted, will entail an estimated annual expenditure of appropriated funds in excess of \$1,000,000;

(2) is submitted or transmitted to Congress or a committee thereof in compliance with law or on the initiative of the appropriate authority of the executive branch; and

(3) officially proposes or recommends the creation or expansion, either by action of Congress or by administrative action, of a function, activity, or authority of the Executive agency to be in addition to those functions, activities, and authorities thereof existing when the report, recommendation, or other communication is so submitted or transmitted;

shall contain a statement, concerning the Executive agency, for each of the first 5 fiscal years during which each additional or expanded

1 function, activity, or authority so proposed or recommended is to be
2 in effect, setting forth the following information—

3 (A) the estimated maximum additional—

4 (i) man-years of civilian employment, by general cate-
5 gories of positions;

6 (ii) expenditures for personal services; and

7 (iii) expenditures for all purposes other than personal
8 services;

9 which are attributable to the function, activity, or authority and
10 which will be required to be effected by the Executive agency in
11 connection with the performance thereof; and

12 (B) such other statement, discussion, explanation, or other in-
13 formation as is considered advisable by the appropriate authority
14 of the executive branch or that is required by Congress or a com-
15 mittee thereof.

16 (b) Subsection (a) of this section does not apply to—

17 (1) the Central Intelligence Agency;

18 (2) a Government controlled corporation; or

19 (3) the General Accounting Office.

20 **§ 2954. Information to committees of Congress on request**

21 An Executive agency, on request of the Committee on Government
22 Operations of the House of Representatives, or of any seven members
23 thereof, or on request of the Committee on Government Operations
24 of the Senate, or any five members thereof, shall submit any informa-
25 tion requested of it relating to any matter within the jurisdiction of
26 the committee.

27 **Subpart B—Employment and Retention**

28 **CHAPTER 31—AUTHORITY FOR EMPLOYMENT**

Sec.

3101. General authority to employ; restrictions on voluntary service and service
in excess of that authorized.

3102. Employment of readers for blind employees.

3103. Employment at seat of Government only for services rendered.

3104. Employment of specially qualified scientific and professional personnel.

3105. Appointment of hearing examiners.

3106. Employment of attorneys; restrictions.

3107. Employment of publicity experts; restrictions.

3108. Employment of detective agencies; restrictions.

3109. Employment of experts and consultants; temporary or intermittent.

29 **§ 3101. General authority to employ; restrictions on voluntary**
30 **service and service in excess of that authorized**

31 (a) Each Executive agency, military department, and the govern-
32 ment of the District of Columbia may employ such number of em-

1 ployees of the various classes recognized by chapter 51 of this title
2 as Congress may appropriate for from year to year.

3 (b) An officer of a uniformed service or an employee may not
4 accept voluntary service for the United States or employ personal
5 service in excess of that authorized by statute, except in an emergency
6 involving the safety of human life or the protection of property. In
7 addition to any penalty or liability under other statute, an officer of
8 a uniformed service or an employee who violates this subsection is
9 subject to appropriate administrative discipline, including suspen-
10 sion without pay or removal from the service. This subsection does
11 not prevent the Secretary of the Army or the Secretary of the Air
12 Force from accepting the gratuitous services of officers of the Army
13 Reserve or the Air Force Reserve in the furtherance of the enrollment,
14 organization, and training of the Army Reserve, the Air Force Re-
15 serve, or the Reserve Officers' Training Corps or in consultation on
16 matters relating to the military service.

17 (c) If an officer of a uniformed service, an employee of an Executive
18 agency, or an individual employed by the government of the District
19 of Columbia violates subsection (b) of this section, the head of the
20 Executive agency or military department concerned or the Commis-
21 sioners of the District of Columbia immediately shall report to the
22 President, through the Director of the Bureau of the Budget, and to
23 Congress all pertinent facts together with a statement of the action
24 taken thereon.

25 § 3102. Employment of readers for blind employees

26 (a) For the purpose of this section—

27 (1) "agency" means—

28 (A) an Executive agency;

29 (B) the Library of Congress; and

30 (C) the government of the District of Columbia;

31 (2) "head of each agency" means the Board of Commissioners
32 of the District of Columbia with respect to the government of the
33 District of Columbia;

34 (3) "blind employee" means an individual employed by an
35 agency who establishes, to the satisfaction of the appropriate
36 authority of the agency concerned and under regulations of the
37 head of that agency, that he has an impairment of sight, either
38 permanent or temporary, which is so severe or disabling that the
39 employment of a reading assistant or assistants for that individual

1 is necessary or desirable to enable him properly to perform his
2 work; and

3 (4) "nonprofit organization" means an organization determined
4 by the Secretary of the Treasury to be an organization described
5 by section 501(c) of title 26 which is exempt from taxation under
6 section 501(a) of title 26.

7 (b) The head of each agency may employ a reading assistant or
8 assistants for a blind employee of his agency, to serve without pay
9 from the agency, without regard to—

10 (1) the provisions of this title governing appointment in the
11 competitive service; and

12 (2) chapter 51 and subchapter III of chapter 53 of this title.

13 A reading assistant so employed may be paid and receive pay for his
14 services as reading assistant by and from the blind employee or a non-
15 profit organization, without regard to section 209 of title 18.

16 (c) This section may not be held or considered to prevent or limit in
17 any way the assignment to a blind employee by an agency of clerical
18 or secretarial assistance, at the expense of the agency and under
19 statutes and regulations currently applicable at the time, if that as-
20 sistance normally is provided, or authorized to be provided, in that
21 manner under currently applicable statutes and regulations.

22 **§ 3103. Employment at seat of Government only for services**
23 **rendered**

24 An individual may be employed in the civil service in an Executive
25 department at the seat of Government only for services actually
26 rendered in connection with and for the purposes of the appropriation
27 from which he is paid. An individual who violates this section shall
28 be removed from the service.

29 **§ 3104. Employment of specially qualified scientific and profes-**
30 **sional personnel**

31 (a) The head of an agency named below may establish scientific
32 or professional positions to carry out the research and development
33 functions of his agency which require the services of specially qualified
34 personnel within the following limits:

35 (1) Department of the Interior—not more than 8.

36 (2) Department of Agriculture—not more than 20.

37 (3) Department of Health, Education, and Welfare—not more
38 than 13.

(4) Department of Commerce—not more than 30, of which at least 5 are for the United States Patent Office in its examining and related activities.

(5) Post Office Department—not more than 3.

(6) United States Arms Control and Disarmament Agency—not more than 14.

(7) Library of Congress—not more than 8.

(b) When a general appropriation statute authorizes an agency named by this section to establish and fix the pay of scientific or professional positions similar to those authorized by this section, the number of positions authorized by this section is reduced by the number of positions authorized by the appropriation statute, unless otherwise specifically provided.

(c) The head of each agency authorized to establish and fix the pay of positions under this section and section 5361 of this title shall submit to Congress, not later than December 31 of each year, a report setting forth—

(1) the number of these positions established in his agency during that calendar year; and

(2) the name, rate of pay, and description of the qualifications of each incumbent, together with a statement of the functions performed by each.

When the head of such an agency considers full public report on these items detrimental to the national security, he may omit the items from his annual report and, instead, present the information in executive session of such committee of a House of Congress as the presiding officer thereof may designate.

§ 3105. Appointment of hearing examiners

Each agency shall appoint as many hearing examiners as are necessary for proceedings required to be conducted in accordance with sections 556 and 557 of this title. Hearing examiners shall be assigned to cases in rotation so far as practicable, and may not perform duties inconsistent with their duties and responsibilities as hearing examiners.

§ 3106. Employment of attorneys; restrictions

Except as otherwise authorized by law, the head of an Executive department or military department may not employ an attorney or

1 counsel for the conduct of litigation in which the United States, an
 2 agency, or employee thereof is a party, or is interested, or for the
 3 securing of evidence therefor, but shall refer the matter to the Depart-
 4 ment of Justice. This section does not apply to the employment and
 5 payment of counsel under section 1037 of title 10.

6 **§ 3107. Employment of publicity experts; restrictions**

7 Appropriated funds may not be used to pay a publicity expert
 8 unless specifically appropriated for that purpose.

9 **§ 3108. Employment of detective agencies; restrictions**

10 An individual employed by the Pinkerton Detective Agency, or
 11 similar organization, may not be employed by the Government of the
 12 United States or the government of the District of Columbia.

13 **§ 3109. Employment of experts and consultants; temporary or**
 14 **intermittent**

15 (a) For the purpose of this section—

16 (1) “agency” has the meaning given it by section 5721 of this
 17 title; and

18 (2) “appropriation” includes funds made available by statute
 19 under section 849 of title 31.

20 (b) When authorized by an appropriation or other statute, the head
 21 of an agency may procure by contract the temporary (not in excess of
 22 1 year) or intermittent services of experts or consultants or an
 23 organization thereof, including stenographic reporting services.
 24 Services procured under this section are without regard to—

25 (1) the provisions of this title governing appointment in the
 26 competitive service;

27 (2) chapter 51 and subchapter III of chapter 53 of this title;
 28 and

29 (3) section 5 of title 41, except in the case of stenographic re-
 30 porting services by an organization.

31 However, an agency subject to chapter 51 and subchapter III of
 32 chapter 53 of this title may pay a rate for services under this section
 33 in excess of the daily equivalent of the highest rate payable under
 34 section 5332 of this title only when specifically authorized by the
 35 appropriation or other statute authorizing the procurement of the
 36 services.

CHAPTER 33—EXAMINATION, SELECTION, AND PLACEMENT

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3 SUBCHAPTER I—EXAMINATION, CERTIFICATION, AND 4 APPOINTMENT

5 § 3301. Civil service; generally

6 The President may—

7 (1) prescribe such regulations for the admission of individuals
8 into the civil service in the executive branch as will best promote
9 the efficiency of that service;

10 (2) ascertain the fitness of applicants as to age, health, char-
11 acter, knowledge, and ability for the employment sought; and

12 (3) appoint and prescribe the duties of individuals to make
13 inquiries for the purpose of this section.

14 § 3302. Competitive service; rules

15 The President may prescribe rules governing the competitive serv-
16 ice. The rules shall provide, as nearly as conditions of good adminis-
17 tration warrant, for—

18 (1) necessary exceptions of positions from the competitive serv-
19 ice; and

20 (2) necessary exceptions from the provisions of sections 2951,
21 3304(a), 3306(a) (1), 3321, 7152, 7153, 7321, and 7322 of this title.

22 Each officer and individual employed in an agency to which the rules
23 apply shall aid in carrying out the rules.

24 § 3303. Competitive service; recommendations of Senators or Rep- 25 resentatives

26 An individual concerned in examining an applicant for or appoint-
27 ing him in the competitive service may not receive or consider a rec-
28 ommendation of the applicant by a Senator or Representative, except
29 as to the character or residence of the applicant.

30 § 3304. Competitive service; examinations

31 (a) The President may prescribe rules which shall provide, as near-
32 ly as conditions of good administration warrant, for—

33 (1) open, competitive examinations for testing applicants for
34 appointment in the competitive service which are practical in
35 character and as far as possible relate to matters that fairly test

the relative capacity and fitness of the applicants for the appointment sought; and

(2) noncompetitive examinations when competent applicants do not compete after notice has been given of the existence of the vacancy.

(b) An individual may be appointed in the competitive service only if he has passed an examination or is specifically excepted from examination under section 3302 of this title. This subsection does not take from the President any authority conferred by section 3301 of this title that is consistent with the provisions of this title governing the competitive service.

(c) Notwithstanding a contrary provision of this title or of the rules and regulations prescribed under this title for the administration of the competitive service, an individual who served—

(1) for at least 3 years in the legislative branch in a position in which he was paid by the Secretary of the Senate or the Clerk of the House of Representatives; or

(2) for at least 4 years as a secretary or law clerk, or both, to a justice or judge of the United States;

acquires a competitive status for transfer to the competitive service if he is involuntarily separated without prejudice from the legislative or judicial branch, passes a suitable noncompetitive examination, and transfers to the competitive service within 1 year of the separation from the legislative or judicial branch. For the purpose of this subsection, an individual who has served for at least 2 years in a position in the legislative branch described by paragraph (1) of this subsection and who is separated from that position to enter the armed forces is deemed to have held that position during his service in the armed forces.

(d) Employees at any place outside the District of Columbia where the President or a Civil Service Commission board of examiners directs that examinations be held shall allow the reasonable use of public buildings for, and in all proper ways facilitate, holding the examinations.

§ 3305. Competitive service; examinations; when held

(a) The Civil Service Commission shall hold examinations for the competitive service at least twice a year in each State and territory or possession of the United States where there are individuals to be examined.

(b) The Commission shall hold an examination for a position to which an appointment has been made within the preceding 3 years, on the application of an individual who qualifies as a preference eligible under section 2108(3)(B)–(F) of this title. The examination shall be held during the quarter following the application.

§ 3306. Competitive service; departmental service; apportionment

(a)(1) The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that appointments in the departmental service in the District of Columbia be apportioned among the States, territories and possessions of the United States, and the District of Columbia on the basis of population as ascertained at the last census.

(2) Paragraph (1) of this subsection does not apply to a preference eligible, but he may be required to furnish evidence of residence and domicile.

(b) An application for examination for appointment in the departmental service in the District of Columbia shall be accompanied by—

(1) a certificate under the seal of an official of the county and State of which the applicant claims to be a resident, that the applicant was a legal or voting resident of the State when he made the application and had been for at least 1 year before making the application; or

(2) a statement of the applicant under oath setting forth his legal or voting residence for 1 year before making the application, accompanied by letters from three reputable citizens of the State in which residence is claimed corroborating the statement.

This subsection does not apply to an employee serving in the competitive service with competitive status who seeks promotion or appointment to another position.

§ 3307. Competitive service; maximum-age requirement; restriction on use of appropriated funds

Appropriated funds may not be used to pay an employee who establishes a maximum-age requirement for entrance into the competitive service.

§ 3308. Competitive service; examinations; educational requirements prohibited; exceptions

The Civil Service Commission or other examining agency may not prescribe a minimum educational requirement for an examination for the competitive service except when the Commission decides that the duties of a scientific, technical, or professional position cannot be

performed by an individual who does not have a prescribed minimum education. The Commission shall make the reasons for its decision under this section a part of its public records.

§ 3309. Preference eligibles; examinations; additional points for

A preference eligible who receives a passing grade in an examination for entrance into the competitive service is entitled to additional points above his earned rating, as follows—

(1) a preference eligible under section 2108(3) (B)–(F) of this title—10 points; and

(2) a preference eligible under section 2108(3) (A) of this title—5 points.

§ 3310. Preference eligibles; examinations; guards, elevator operators, messengers, and custodians

In examinations for positions of guards, elevator operators, messengers, and custodians in the competitive service, competition is restricted to preference eligibles as long as preference eligibles are available.

§ 3311. Preference eligibles; examinations; crediting experience

In examinations for the competitive service in which experience is an element of qualification, a preference eligible is entitled to credit—

(1) for service in the armed forces when his employment in a similar vocation to that for which examined was interrupted by the service; and

(2) for all experience material to the position for which examined, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether he received pay therefor.

§ 3312. Preference eligibles; physical qualifications; waiver

In determining qualifications of a preference eligible for examination for, appointment in, or reinstatement in the competitive service, the Civil Service Commission or other examining agency shall waive—

(1) requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) physical requirements if, in the opinion of the Commission or other examining agency, after considering the recommendation of an accredited physician, the preference eligible is physically able to perform efficiently the duties of the position.

§ 3313. Competitive service; registers of eligibles

The names of applicants who have qualified in examinations for the

1 competitive service shall be entered on appropriate registers or lists
2 of eligibles in the following order—

3 (1) for scientific and professional positions in GS-9 or higher,
4 in the order of their ratings, including points added under sec-
5 tion 3309 of this title; and

6 (2) for all other positions—

7 (A) disabled veterans who have a compensable service-
8 connected disability of 10 percent or more, in order of their
9 ratings, including points added under section 3309 of this
10 title; and

11 (B) remaining applicants, in the order of their ratings,
12 including points added under section 3309 of this title.

13 The names of preference eligibles shall be entered ahead of others
14 having the same rating.

15 **§ 3314. Registers; preference eligibles who resigned**

16 A preference eligible who resigns, on request to the Civil Service
17 Commission, is entitled to have his name placed again on all registers
18 for which he may have been qualified, in the order named by section
19 3313 of this title.

20 **§ 3315. Registers; preference eligibles furloughed or separated**

21 (a) A preference eligible who has been separated or furloughed
22 without delinquency or misconduct, on request, is entitled to have his
23 name placed on appropriate registers and employment lists for every
24 position for which his qualifications have been established, in the order
25 named by section 3313 of this title. This subsection applies to regis-
26 ters and employment lists maintained by the Civil Service Commis-
27 sion, an Executive agency, or the government of the District of
28 Columbia.

29 (b) The Commission may declare a preference eligible who has
30 been separated or furloughed without pay under section 7512 of this
31 title to be entitled to the benefits of subsection (a) of this section.

32 **§ 3316. Preference eligibles; reinstatement**

33 A preference eligible who has resigned or who has been dismissed
34 or furloughed, on request of an appointing authority, may be certified
35 for, and appointed to, a position for which he is eligible in the com-
36 petitive service, an Executive agency, or the government of the Dis-
37 trict of Columbia.

38 **§ 3317. Competitive service; certification from registers**

39 (a) The Civil Service Commission shall certify enough names from
40 the top of the appropriate register to permit a nominating or appoint-

ing authority who has requested a certificate of eligibles to consider at least three names for appointment to each vacancy in the competitive service.

(b) When an appointing authority, for reasons considered sufficient by the Commission, has three times considered and passed over a preference eligible who was certified from a register, certification of the preference eligible for appointment may be discontinued. However, the preference eligible is entitled to advance notice of discontinuance of certification.

§ 3318. Competitive service; selection from certificates

(a) The nominating or appointing authority shall select for appointment to each vacancy from the highest three eligibles available for appointment on the certificate furnished under section 3317(a) of this title, unless objection to one or more of the individuals certified is made to, and sustained by, the Civil Service Commission for proper and adequate reason under regulations prescribed by the Commission.

(b) An appointing authority who passes over a preference eligible on a certificate and selects an individual who is not a preference eligible shall file written reasons with the Commission for passing over the preference eligible. The Commission shall make these reasons a part of the record of the preference eligible. The Commission may require the submission of more detailed information in support of the passing over of the preference eligible. The Commission shall determine the sufficiency or insufficiency of the reasons submitted and shall send its findings to the appointing authority. The appointing authority shall comply with the findings of the Commission. The preference eligible or his representative, on request, is entitled to a copy of—

(1) the reasons submitted by the appointing authority; and

(2) the findings of the Commission.

(c) When three or more names of preference eligibles are on a reemployment list appropriate for the position to be filled, a nominating or appointing authority may appoint from a register of eligibles established after examination only an individual who qualifies as a preference eligible under section 2108(3)(B)–(F) of this title.

§ 3319. Competitive service; selection; members of family restriction

(a) When two or more members of a family are employed in the competitive service, another member of the same family is not eligible for appointment in the competitive service.

1 (b) Subsection (a) of this section does not apply to a preference
2 eligible.

3 **§ 3320. Excepted service; government of the District of Columbia;**
4 **selection**

5 The nominating or appointing authority shall select for appoint-
6 ment to each vacancy in the excepted service in the executive branch
7 and in the government of the District of Columbia from the qualified
8 applicants in the same manner and under the same conditions required
9 for the competitive service by sections 3308–3318 of this title. This
10 section does not apply to an appointment required by Congress to
11 be confirmed by, or made with the advice and consent of, the Senate.

12 **§ 3321. Competitive service; probation; period of**

13 The President may prescribe rules which shall provide, as nearly
14 as conditions of good administration warrant, that there shall be a
15 period of probation before an appointment in the competitive service
16 becomes absolute.

17 **§ 3322. Competitive service; temporary appointments after age 70**

18 An individual who has reached his 70th birthday may be appointed
19 to a position in the competitive service only on a temporary basis.

20 **§ 3323. Automatic separations; reappointment; reemployment of**
21 **annuitants**

22 (a) Except as provided by subsections (b)–(d) of this section or
23 other statute—

24 (1) an individual who reaches the retirement age prescribed for
25 automatic separation applicable to him may not be continued in
26 the civil service or in the government of the District of Columbia;
27 and

28 (2) an individual separated on account of age under a statute
29 or regulation providing for retirement on account of age is not
30 eligible for appointment in the civil service or in the government
31 of the District of Columbia.

32 The President, when in his judgment the public interest so requires,
33 may except an individual from this subsection by Executive order.
34 This subsection does not apply to an individual named by a statute
35 providing for the continuance of the individual in the civil service or
36 in the government of the District of Columbia.

37 (b) An annuitant as defined by section 8331 of this title receiving
38 annuity from the Civil Service Retirement and Disability Fund is not
39 barred by reason of his retired status from employment in an ap-
40 pointive position for which he is qualified. An annuitant so reem-
41 ployed serves at the will of the appointing authority.

(c) A Foreign Service officer retired under section 1001 or 1002 of title 22 or a Foreign Service staff officer or employee retired under section 1063 of title 22 is not barred by reason of his retired status from employment in a position in the civil service for which he is qualified. An annuitant so reemployed serves at the will of the appointing authority.

(d) The Chief of Engineers of the Army, under section 569a of title 33, may employ a retired employee whose expert assistance is needed in connection with river and harbor or flood control works. There shall be deducted from the pay of an employee so reemployed an amount equal to the annuity or retired pay allocable to the period of actual employment.

§ 3324. Appointments at GS-16, 17, and 18

(a) An appointment to a position in GS-16, 17, or 18 may be made only on approval of the qualifications of the proposed appointee by the Civil Service Commission. This section does not apply to a position—

- (1) provided for in section 5108(c)(2) of this title;
- (2) to which appointment is made by the President;
- (3) to which appointment is made by the Librarian of Congress; or
- (4) the incumbent of which is paid from—

(A) appropriations for the Executive Office of the President under the headings “The White House Office”, “Special Projects”, “Council of Economic Advisers”, “National Security Council”, and “Office of Emergency Planning”, or

(B) funds appropriated to the President under the heading “Emergency Fund for the President” by the Treasury, Post Office, and Executive Office Appropriation Act, 1966, or a later statute making appropriations for the same purpose.

(b) The Commission may prescribe regulations necessary for the administration of this section.

§ 3325. Appointments to scientific and professional positions

(a) Positions established under section 3104 of this title are in the competitive service. However, appointments to the positions are made without competitive examination on approval of the qualifications of the proposed appointee by the Civil Service Commission or its designee for this purpose.

(b) This section does not apply to positions established under section 3104(a)(7) of this title.

1 **§ 3326. Appointments of retired members of the armed forces to**
 2 **positions in the Department of Defense**

3 (a) For the purpose of this section, "member" and "Secretary con-
 4 cerned" have the meanings given them by section 101 of title 37.

5 (b) A retired member of the armed forces may be appointed to a
 6 position in the civil service in or under the Department of Defense
 7 (including a nonappropriated fund instrumentality under the juris-
 8 diction of the armed forces) during the period of 180 days immediately
 9 after his retirement only if—

10 (1) the proposed appointment is authorized by the Secretary
 11 concerned or his designee for the purpose, and, if the position is
 12 in the competitive service, after approval by the Civil Service
 13 Commission;

14 (2) the minimum rate of basic pay for the position has been in-
 15 creased under section 5303 of this title; or

16 (3) a state of national emergency exists.

17 (c) A request by appropriate authority for the authorization, or
 18 the authorization and approval, as the case may be, required by sub-
 19 section (b)(1) of this section shall be accompanied by a statement
 20 which shows the actions taken to assure that—

21 (1) full consideration, in accordance with placement and pro-
 22 motion procedures of the department concerned, was given to
 23 eligible career employees;

24 (2) when selection is by other than certification from an estab-
 25 lished civil service register, the vacancy has been publicized to give
 26 interested candidates an opportunity to apply;

27 (3) qualification requirements for the position have not been
 28 written in a manner designed to give advantage to the retired
 29 member; and

30 (4) the position has not been held open pending the retirement
 31 of the retired member.

32 **§ 3327. Postmasters; standards for determination of qualifica-**
 33 **tions**

34 In evaluating the qualifications of applicants for positions of post-
 35 master, the Civil Service Commission shall give, with respect to each
 36 applicant, due and appropriate consideration to experience in the
 37 postal field service, including seniority, length of service, level of

1 difficulty and responsibility of work, attendance, awards and com-
2 mendations, and performance rating.

3 SUBCHAPTER II—OATH OF OFFICE

4 § 3331. Oath of office

5 An individual, except the President, elected or appointed to an office
6 of honor or profit in the civil service or uniformed services, shall take
7 the following oath: "I, AB, do solemnly swear (or affirm) that I will
8 support and defend the Constitution of the United States against all
9 enemies, foreign and domestic; that I will bear true faith and alle-
10 giance to the same; that I take this obligation freely, without any
11 mental reservation or purpose of evasion; and that I will well and
12 faithfully discharge the duties of the office on which I am about to
13 enter. So help me God." This section does not affect other oaths
14 required by law.

15 § 3332. Officer affidavit; no consideration paid for appointment

16 An officer, within 30 days after the effective date of his appoint-
17 ment, shall file with the oath of office required by section 3331 of this
18 title an affidavit that neither he nor anyone acting in his behalf has
19 given, transferred, promised, or paid any consideration for or in the
20 expectation or hope of receiving assistance in securing the appoint-
21 ment.

22 § 3333. Employee affidavit; loyalty and striking against the 23 Government

24 (a) Except as provided by subsection (b) of this section, an indi-
25 vidual who accepts office or employment in the Government of the
26 United States or in the government of the District of Columbia shall
27 execute an affidavit within 60 days after accepting the office or em-
28 ployment that his acceptance and holding of the office or employment
29 does not or will not violate section 7311 of this title. The affidavit is
30 prima facie evidence that the acceptance and holding of office or
31 employment by the affiant does not or will not violate section 7311
32 of this title.

33 (b) An affidavit is not required from an individual employed by
34 the Government of the United States or the government of the District
35 of Columbia for less than 60 days for sudden emergency work involv-
36 ing the loss of human life or the destruction of property. This sub-

1 section does not relieve an individual from liability for violation of
2 section 7311 of this title.

3 SUBCHAPTER III—DETAILS

4 § 3341. Details; within Executive or military departments

5 (a) The head of an Executive department or military department
6 may detail employees among the bureaus and offices of his department,
7 except employees who are required by law to be exclusively engaged
8 on some specific work.

9 (b) Details under subsection (a) of this section may be made only
10 by written order of the head of the department, and may be for not
11 more than 120 days. These details may be renewed by written order
12 of the head of the department, in each particular case, for periods
13 not exceeding 120 days.

14 § 3342. Details; field to departmental service prohibited

15 An employee in the field service may not be detailed for duty in an
16 Executive department in the District of Columbia. This section does
17 not prohibit—

- 18 (1) temporary details for duty connected with the position of
19 the employee detailed;
- 20 (2) details specially provided by law; or
- 21 (3) the detail of one employee of the Bureau of Customs for
22 duty in the Department of the Treasury in the District of Colum-
23 bia.

24 § 3343. Details; to international organizations

25 (a) For the purpose of this section—

26 (1) “agency” means—

27 (A) an Executive agency; and

28 (B) an employing authority in the legislative branch;

29 (2) “employee” means an employee in or under an agency;

30 (3) “international organization” means a public international
31 organization or international-organization preparatory commis-
32 sion in which the Government of the United States participates;
33 and

34 (4) “detail” means the assignment or loan of an employee to
35 an international organization without a change of position from
36 the agency by which he is employed to an international organi-
37 zation.

38 (b) The head of an agency may detail, for a period of not more
39 than 3 years, an employee of his agency to an international orga-
40 nization which requests services.

(c) An employee detailed under subsection (b) of this section is deemed, for the purpose of preserving his allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed, and he is entitled to pay, allowances, and benefits from funds available to that agency. The authorization and payment of these allowances and other benefits from appropriations available therefor is deemed to comply with section 5536 of this title.

(d) Details may be made under subsection (b) of this section—

(1) without reimbursement to the United States by the international organization; or

(2) with agreement by the international organization to reimburse the United States for all or part of the pay, travel expenses, and allowances payable during the detail, and the reimbursement shall be credited to the appropriation, fund, or account used for paying the amounts reimbursed.

(e) An employee detailed under subsection (b) of this section may be paid or reimbursed by an international organization for allowances or expenses incurred in the performance of duties required by the detail, without regard to section 209 of title 18.

§ 3344. Details; hearing examiners

An agency as defined by section 551 of this title which occasionally or temporarily is insufficiently staffed with hearing examiners appointed under section 3105 of this title may use hearing examiners selected by the Civil Service Commission from and with the consent of other agencies.

§ 3345. Details; to office of head of Executive or military department

When the head of an Executive department or military department dies, resigns, or is sick or absent, his first assistant, unless otherwise directed by the President under section 3347 of this title, shall perform the duties of the office until a successor is appointed or the absence or sickness stops.

§ 3346. Details; to subordinate offices

When an officer of a bureau of an Executive department or military department, whose appointment is not vested in the head of the department, dies, resigns, or is sick or absent, his first assistant, unless otherwise directed by the President under section 3347 of this title, shall perform the duties of the office until a successor is appointed or the absence or sickness stops.

1 **§ 3347. Details; Presidential authority**

2 Instead of a detail under section 3345 or 3346 of this title, the
3 President may direct the head of another Executive department or
4 military department or another officer of an Executive department
5 or military department, whose appointment is vested in the President,
6 by and with the advice and consent of the Senate, to perform the
7 duties of the office until a successor is appointed or the absence or
8 sickness stops. This section does not apply to a vacancy in the office
9 of Attorney General.

10 **§ 3348. Details; limited in time**

11 A vacancy caused by death or resignation may be filled temporarily
12 under section 3345, 3346, or 3347 of this title for not more than 30 days.

13 **§ 3349. Details; to fill vacancies; restrictions**

14 A temporary appointment, designation, or assignment of one officer
15 to perform the duties of another under section 3345 or 3346 of this title,
16 may not be made otherwise than as provided by those sections, except
17 to fill a vacancy occurring during a recess of the Senate.

18 SUBCHAPTER IV—TRANSFERS

19 **§ 3351. Preference eligibles; transfer; physical qualifications;**
20 **waiver**

21 In determining qualifications of a preference eligible for transfer
22 to another position in the competitive service, an Executive agency,
23 or the government of the District of Columbia, the Civil Service
24 Commission or other examining agency shall waive—

25 (1) requirements as to age, height, and weight, unless the re-
26 quirement is essential to the performance of the duties of the
27 position; and

28 (2) physical requirements if, in the opinion of the Commission
29 or other examining agency, after considering the recommendation
30 of an accredited physician, the preference eligible is physically
31 able to perform efficiently the duties of the position.

32 This section does not apply to an appointment required by Congress
33 to be confirmed by, or made with the advice and consent of, the Senate,
34 except an appointment made under section 3311 of title 39.

35 SUBCHAPTER V—PROMOTION

36 **§ 3361. Promotion; competitive service; examination**

37 An individual may be promoted in the competitive service only if
38 he has passed an examination or is specifically excepted from examina-

tion under section 3302 of this title. This section does not take from the President any authority conferred by section 3301 of this title that is consistent with the provisions of this title governing the competitive service.

§ 3362. Promotion; effect of incentive award

An agency, in qualifying and selecting an employee for promotion, shall give due weight to an incentive award under chapter 45 of this title. For the purpose of this section, “agency” and “employee” have the meanings given them by section 4501 of this title.

§ 3363. Preference eligibles; promotion; physical qualifications; waiver

In determining qualifications of a preference eligible for promotion to another position in the competitive service, an Executive agency, or the government of the District of Columbia, the Civil Service Commission or other examining agency shall waive—

(1) requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) physical requirements if, in the opinion of the Commission or other examining agency, after considering the recommendation of an accredited physician, the preference eligible is physically able to perform efficiently the duties of the position.

This section does not apply to an appointment required by Congress to be confirmed by, or made with the advice and consent of, the Senate, except an appointment made under section 3311 of title 39.

§ 3364. Promotion; substitute employees in the postal field service

When substitute employees in the postal field service are appointed on the same day, each is entitled to be promoted to the regular force in the order in which his name appeared on the register from which he was originally appointed, if of the required sex, eligible, and willing to accept, unless the vacancy on the regular force is filled by transfer or reinstatement.

**CHAPTER 35—RETENTION PREFERENCE, RESTORATION,
AND REEMPLOYMENT**

SUBCHAPTER I—RETENTION PREFERENCE

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3 SUBCHAPTER III—REINSTATEMENT OR RESTORATION
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3581. Definitions.

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8 SUBCHAPTER I—RETENTION PREFERENCE

9 § 3501. Definitions; application

10 (a) For the purpose of this subchapter, except section 3504—

11 (1) “active service” has the meaning given it by section 101 of
12 title 37;

13 (2) “a retired member of a uniformed service” means a member
14 or former member of a uniformed service who is entitled, under
15 statute, to retired, retirement, or retainer pay on account of his
16 service as such a member; and

17 (3) a preference eligible employee who is a retired member of
18 a uniformed service is considered a preference eligible only if—

19 (A) his retirement was based on disability—

20 (i) resulting from injury or disease received in line of
21 duty as a direct result of armed conflict; or

22 (ii) caused by an instrumentality of war and incurred
23 in the line of duty during a period of war as defined by
24 sections 101 and 301 of title 38;

25 (B) his service does not include twenty or more years of
26 full-time active service, regardless of when performed but
27 not including periods of active duty for training; or

28 (C) on November 30, 1964, he was employed in a position
29 to which this subchapter applies and thereafter he continued
30 to be so employed without a break in service of more than 30
31 days.

32 (b) Except as otherwise provided by this subsection and section
33 3504 of this title, this subchapter applies to each employee in or under
34 an Executive agency. This subchapter does not apply to an employee

1 whose appointment is required by Congress to be confirmed by, or made
2 with the advice and consent of, the Senate, except an employee whose
3 appointment is made under section 3311 of title 39.

4 **§ 3502. Order of retention**

5 (a) The Civil Service Commission shall prescribe regulations for
6 the release of competing employees in a reduction in force which
7 give due effect to—

8 (1) tenure of employment;

9 (2) military preference, subject to section 3501(a)(3) of this
10 title;

11 (3) length of service; and

12 (4) efficiency or performance ratings.

13 In computing length of service, a competing employee—

14 (A) who is not a retired member of a uniformed service is
15 entitled to credit for the total length of time in active service in
16 the armed forces; and

17 (B) who is a retired member of a uniformed service is entitled
18 to credit for—

19 (i) the length of time in active service in the armed forces
20 during a war, or in a campaign or expedition for which a
21 campaign badge has been authorized; or

22 (ii) the total length of time in active service in the armed
23 forces if he is included under section 3501(a)(3)(A), (B),
24 or (C) of this title.

25 (b) A preference eligible employee whose efficiency or performance
26 rating is “good” or “satisfactory” or better than “good” or “satis-
27 factory” is entitled to be retained in preference to other competing
28 employees. A preference eligible employee whose efficiency or per-
29 formance rating is below “good” or “satisfactory” is entitled to be
30 retained in preference to competing nonpreference employees who have
31 equal or lower efficiency or performance ratings.

32 **§ 3503. Transfer of functions**

33 (a) When a function is transferred from one agency to another,
34 each preference eligible employed in the function shall be transferred
35 to the receiving agency for employment in a position for which he is
36 qualified before the receiving agency may make an appointment from
37 another source to that position.

38 (b) When one agency is replaced by another, each preference eligi-
39 ble employed in the agency to be replaced shall be transferred to the
40 replacing agency for employment in a position for which he is qualified

1 before the replacing agency may make an appointment from another
2 source to that position.

3 **§ 3504. Preference eligibles; retention; physical qualifications;**
4 **waiver**

5 In determining qualifications of a preference eligible for retention
6 in a position in the competitive service, an Executive agency, or the
7 government of the District of Columbia, the Civil Service Commission
8 or other examining agency shall waive—

9 (1) requirements as to age, height, and weight, unless the re-
10 quirement is essential to the performance of the duties of the
11 position; and

12 (2) physical requirements if, in the opinion of the Commission
13 or other examining agency, after considering the recommendation
14 of an accredited physician, the preference eligible is physically
15 able to perform efficiently the duties of the position.

16 **SUBCHAPTER II—RESTORATION AFTER ACTIVE DUTY**
17 **OR TRAINING DUTY**

18 **§ 3551. Restoration; Reserves and National Guardsmen**

19 An employee as defined by section 2105 of this title or an individual
20 employed by the government of the District of Columbia, permanent
21 or temporary indefinite, who is ordered to active duty or to duty under
22 sections 502–505 of title 32 as a Reserve of the armed forces or member
23 of the National Guard is entitled, on release from duty, to be restored
24 to the position held when ordered to duty.

25 **SUBCHAPTER III—REINSTATEMENT OR RESTORATION**
26 **AFTER SUSPENSION OR REMOVAL FOR NATIONAL**
27 **SECURITY**

28 **§ 3571. Reinstatement or restoration; individuals suspended or re-**
29 **moved for national security**

30 An individual suspended or removed under section 7532 of this title
31 may be restored to duty in the discretion of the head of the agency
32 concerned.

33 **SUBCHAPTER IV—REEMPLOYMENT AFTER SERVICE**
34 **WITH AN INTERNATIONAL ORGANIZATION**

35 **§ 3581. Definitions**

36 For the purpose of this subchapter—

37 (1) “agency” means—

38 (A) an Executive agency; and

39 (B) an employing authority in the legislative branch;

40 (2) “employee” means an employee in or under an agency;

(3) "international organization" means a public international organization or international-organization preparatory commission in which the Government of the United States participates;

(4) "transfer" means the change of position by an employee from an agency to an international organization; and

(5) "reemployment" means—

(A) the reemployment of an employee under section 3582 (a) of this title; or

(B) the reemployment of a Congressional employee within 90 days from his separation from an international organization; following a term of employment not extending beyond the period named by the head of the agency at the time of consent to transfer or, in the absence of a named period, not extending beyond the first 3 consecutive years after entering the employ of the international organization.

§ 3582. Rights of transferring employees

(a) An employee serving under an appointment not limited to 1 year or less who transfers to an international organization with the consent of the head of his agency is entitled—

(1) to retain coverage, rights, and benefits under any system established by law for the retirement of employees, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the international organization are currently deposited in the system's fund or depository; and the period during which coverage, rights, and benefits are retained under this paragraph is deemed creditable service under the system;

(2) to retain coverage, rights, and benefits under chapter 87 of this title, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the international organization are currently deposited in the Employees' Life Insurance Fund; and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapter 87 of this title;

(3) to retain coverage, rights, and benefits under subchapter I of chapter 81 of this title, and for this purpose his employment with the international organization is deemed employment by the

1 United States, but if he or his dependents receive from the inter-
 2 national organization a payment, allowance, gratuity, payment
 3 under an insurance policy for which the premium is wholly paid
 4 by the international organization, or other benefit of any kind on
 5 account of the same injury or death, the amount thereof is credited
 6 against disability or death compensation, as the case may be, pay-
 7 able under subchapter I of chapter 81 of this title; and

8 (4) to elect to retain to his credit all accumulated and current
 9 accrued annual leave to which entitled at the time of transfer
 10 which would otherwise be liquidated by a lump-sum payment.
 11 On his request at any time before reemployment, he shall be paid
 12 for the annual leave retained. If he receives a lump-sum pay-
 13 ment and is reemployed within 6 months after transfer, he shall
 14 refund to the agency the amount of the lump-sum payment. This
 15 paragraph does not operate to cause a forfeiture of retained an-
 16 nual leave following reemployment or to deprive an employee of
 17 a lump-sum payment to which he would otherwise be entitled.

18 (b) An employee entitled to the benefits of subsection (a) of this
 19 section, except a Congressional employee, is entitled to be reemployed
 20 within 30 days of his application for reemployment in his former posi-
 21 tion or a position of like seniority, status, and pay in the agency from
 22 which he transferred, if—

23 (1) he is separated from the international organization within
 24 3 years after entering on duty with the international organiza-
 25 tion or within such shorter period as may be named by the head
 26 of the agency at the time of consent to transfer; and

27 (2) he applies for reemployment not later than 90 days after
 28 the separation.

29 On reemployment, he is entitled to the rate of basic pay to which he
 30 would be entitled had he remained in the civil service. On reemploy-
 31 ment, the agency shall restore his sick leave account, by credit or
 32 charge, to its status at the time of transfer. The period of separation
 33 caused by his employment with the international organization and the
 34 period necessary to effect reemployment are deemed creditable serv-
 35 ice for all appropriate civil service employment purposes.

36 (c) This section applies only with respect to so much of a period
 37 of employment with an international organization as does not exceed
 38 3 years or such shorter period named by the head of the agency
 39 at the time of consent to transfer, except that for retirement and in-
 40 surance purposes this section continues to apply during the period
 41 after separation from the international organization in which—

42 (1) an employee, except a Congressional employee, is properly

exercising or could exercise the reemployment right established by subsection (b) of this section; or

(2) a Congressional employee is effecting or could effect a re-employment.

During that reemployment period, the employee is deemed on leave without pay for retirement and insurance purposes.

(d) During the employee's period of service with the international organization, the agency contribution for retirement and insurance purposes may be made from the appropriations or funds of the agency from which the employee transferred.

§ 3583. Computations

A computation under this subchapter before reemployment is made in the same manner as if the employee had received basic pay, or basic pay plus additional pay in the case of a Congressional employee, at the rate at which it would have been payable had the employee continued in the position in which he was serving at the time of transfer.

§ 3584. Regulations

The President may prescribe regulations necessary to carry out this subchapter and section 3343 of this title and to protect and assure the retirement, insurance, leave, and reemployment rights and such other similar civil service employment rights as he finds appropriate. The regulations may provide for the exclusion of employees from the application of this subchapter and section 3343 of this title on the basis of the nature and type of employment including excepted appointments of a confidential or policy-determining character, or conditions pertaining to the employment including short-term appointments, seasonal or intermittent employment, and part-time employment.

Subpart C—Employee Performance

CHAPTER 41—TRAINING

Sec.

4101. Definitions.

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4103. Establishment of training programs.

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4106. Non-Government facilities; amount of training limited.

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1 **§ 4101. Definitions**

2 For the purpose of this chapter—

- 3 (1) “agency”, subject to section 4102 of this title, means—
- 4 (A) an Executive department;
- 5 (B) an independent establishment;
- 6 (C) a Government corporation subject to sections 846–852
- 7 or 856–859 of title 31;
- 8 (D) the Library of Congress;
- 9 (E) the Government Printing Office; and
- 10 (F) the government of the District of Columbia;
- 11 (2) “employee”, subject to section 4102 of this title, means—
- 12 (A) an individual employed in or under an agency; and
- 13 (B) a commissioned officer of the Coast and Geodetic Sur-
- 14 vey;
- 15 (3) “Government” means the Government of the United States
- 16 and the government of the District of Columbia;
- 17 (4) “training” means the process of providing for and making
- 18 available to an employee, and placing or enrolling the employee
- 19 in, a planned, prepared, and coordinated program, course, cur-
- 20 riculum, subject, system, or routine of instruction or education, in
- 21 scientific, professional, technical, mechanical, trade, clerical, fiscal,
- 22 administrative, or other fields which are or will be directly re-
- 23 lated to the performance by the employee of official duties for the
- 24 Government, in order to increase the knowledge, proficiency, abil-
- 25 ity, skill, and qualifications of the employee in the performance
- 26 of official duties;
- 27 (5) “Government facility” means property owned or sub-
- 28 stantially controlled by the Government and the services of any
- 29 civilian and military personnel of the Government; and
- 30 (6) “non-Government facility” means—
- 31 (A) the government of a State or of a territory or pos-
- 32 session of the United States including the Commonwealth of
- 33 Puerto Rico, and an interstate governmental organization, or
- 34 a unit, subdivision, or instrumentality of any of the foregoing;
- 35 (B) a foreign government or international organization,
- 36 or instrumentality of either, which is designated by the Presi-
- 37 dent as eligible to provide training under this chapter;
- 38 (C) a medical, scientific, technical, educational, research,
- 39 or professional institution, foundation, or organization;
- 40 (D) a business, commercial, or industrial firm, corpora-
- 41 tion, partnership, proprietorship, or other organization;

(E) individuals other than civilian or military personnel of the Government; and

(F) the services and property of any of the foregoing furnishing the training.

§ 4102. Exceptions; Presidential authority

(a) (1) This chapter does not apply to—

(A) a corporation supervised by the Farm Credit Administration if private interests elect or appoint a member of the board of directors;

(B) the Tennessee Valley Authority; or

(C) an individual (except a commissioned officer of the Coast and Geodetic Survey) who is a member of a uniformed service during a period in which he is entitled to pay under section 204 of title 37.

(2) This chapter (except sections 4110 and 4111) does not apply to—

(A) the Foreign Service, Department of State; or

(B) an individual appointed by the President (except a Postmaster), unless the individual is specifically designated by the President for training under this chapter.

(b) The President, at any time in the public interest, may—

(1) except an agency or part thereof, or an employee or group or class of employees therein, from this chapter or a provision thereof (except this section); and

(2) withdraw an exception made under this subsection.

However, the President may not except the Civil Service Commission from a provision of this chapter which vests in or imposes on the Commission a function, duty, or responsibility concerning any matter except the establishment, operation, and maintenance, in the same capacity as other agencies, of training programs and plans for its employees.

§ 4103. Establishment of training programs

In order to increase economy and efficiency in the operations of the agency and to raise the standards of performance by employees of their official duties to the maximum possible level of proficiency, the head of each agency, in conformity with this chapter, shall establish, operate, and maintain a program or programs, and a plan or plans thereunder, for the training of employees in or under the agency by, in, and through Government facilities and non-Government facilities. Each program, and plan thereunder, shall—

1 (1) conform to the principles, standards, and related require-
 2 ments contained in the regulations prescribed under section 4118
 3 of this title;

4 (2) provide for adequate administrative control by appropriate
 5 authority; and

6 (3) provide for the encouragement of self-training by em-
 7 ployees by means of appropriate recognition of resultant increases
 8 in proficiency, skill, and capacity.

9 Two or more agencies jointly may operate under a training program.

10 **§ 4104. Government facilities; use of**

11 An agency program for the training of employees by, in, and
 12 through Government facilities under this chapter shall—

13 (1) provide for training, insofar as practicable, by, in, and
 14 through Government facilities under the jurisdiction or control
 15 of the agency; and

16 (2) provide for the making by the agency, to the extent neces-
 17 sary and appropriate, of agreements with other agencies in any
 18 branch of the Government, on a reimbursable basis when re-
 19 quested by the other agencies, for—

20 (A) use of Government facilities under the jurisdiction or
 21 control of the other agencies in any branch of the Govern-
 22 ment; and

23 (B) extension to employees of the agency of training pro-
 24 grams of other agencies.

25 **§ 4105. Non-Government facilities; use of**

26 (a) The head of an agency, without regard to section 5 of title 41,
 27 may make agreements or other arrangements for the training of em-
 28 ployees of the agency by, in, or through non-Government facilities
 29 under this chapter.

30 (b) An agency program for the training of employees by, in, and
 31 through non-Government facilities under this chapter shall—

32 (1) provide that information concerning the selection and
 33 assignment of employees for training and the applicable training
 34 limitations and restrictions be made available to employees of the
 35 agency; and

36 (2) give consideration to the needs and requirements of the
 37 agency in recruiting and retaining scientific, professional, techni-
 38 cal, and administrative employees.

39 (c) In order to protect the Government concerning payment and
 40 reimbursement of training expenses, each agency shall prescribe such

1 regulations as it considers necessary to implement the regulations pre-
 2 scribed under section 4118(a)(8) of this title.

3 **§ 4106. Non-Government facilities; amount of training limited**

4 (a) The training of employees by, in, and through non-Government
 5 facilities under this chapter is subject to the following limitations:

6 (1) The number of man-years of training for an agency in a
 7 fiscal year may not exceed 1 percent of the total number of man-
 8 years of civilian employment for the agency in the same fiscal
 9 year as disclosed by the agency budget estimates for the year.

10 (2) An employee having less than 1 year of current, con-
 11 tinuous civilian service is not eligible for training unless the head
 12 of his agency determines, under regulations prescribed under
 13 section 4118 of this title, that training for the employee is in the
 14 public interest.

15 (3) The time spent by an employee in training may not exceed
 16 1 year in the first 10-year period and in each subsequent 10-year
 17 period of his continuous or non-continuous civilian service in the
 18 Government.

19 The Civil Service Commission may prescribe other limitations, in
 20 accordance with the provisions and purposes of this chapter, concern-
 21 ing the time which may be spent by an employee in training.

22 (b) On recommendation of the head of an agency, the Commission
 23 may waive, with respect to that agency or part thereof or one or more
 24 employees therein, all or any of the limitations covered by subsection
 25 (a) of this section, if the Commission determines that the application
 26 of all or any of the limitations thereto is contrary to the public interest.
 27 The Commission, in the public interest, may reimpose all or any of
 28 the limitations so waived.

29 **§ 4107. Non-Government facilities; restrictions**

30 (a) Appropriations or other funds available to an agency are not
 31 available for payment for training an employee—

32 (1) by, in, or through a non-Government facility which teaches
 33 or advocates the overthrow of the Government of the United
 34 States by force or violence; or

35 (2) by or through an individual concerning whom determi-
 36 nation has been made by a proper Government administrative or
 37 investigatory authority that, on the basis of information or evi-
 38 dence developed in investigations and procedures authorized by
 39 law or Executive order, there exists a reasonable doubt of his
 40 loyalty to the United States.

1 (b) This chapter does not authorize training an employee by, in,
 2 or through a non-Government facility a substantial part of the activi-
 3 ties of which is—

4 (1) carrying on propaganda, or otherwise attempting, to influ-
 5 ence legislation; or

6 (2) participating or intervening, including publishing or dis-
 7 tributing statements, in a political campaign on behalf of a candi-
 8 date for public office.

9 (c) This chapter does not authorize the selection and assignment
 10 of an employee for training by, in, or through a non-Government
 11 facility, or the payment or reimbursement of the costs of training,
 12 for—

13 (1) the purpose of providing an opportunity to an employee
 14 to obtain an academic degree in order to qualify for appointment
 15 to a particular position for which the academic degree is a basic
 16 requirement; or

17 (2) the sole purpose of providing an opportunity to an em-
 18 ployee to obtain one or more academic degrees.

19 **§ 4108. Employee agreements; service after training**

20 (a) An employee selected for training by, in, or through a non-
 21 Government facility under this chapter shall agree in writing with the
 22 Government before assignment to training that he will—

23 (1) continue in the service of his agency after the end of the
 24 training period for a period at least equal to three times the
 25 length of the training period unless he is involuntarily separated
 26 from the service of his agency; and

27 (2) pay to the Government the amount of the additional ex-
 28 penses incurred by the Government in connection with his train-
 29 ing if he is voluntarily separated from the service of his agency
 30 before the end of the period for which he has agreed to continue
 31 in the service of his agency.

32 (b) The payment agreed to under subsection (a) (2) of this section
 33 may not be required of an employee who leaves the service of his
 34 agency to enter into the service of another agency in any branch of the
 35 Government unless the head of the agency that authorized the training
 36 notifies the employee before the effective date of his entrance into the
 37 service of the other agency that payment will be required under this
 38 section.

39 (c) If an employee, except an employee relieved of liability under
 40 subsection (b) of this section or section 4102(b) of this title, fails to
 41 fulfill his agreement to pay to the Government the additional expenses

incurred by the Government in connection with his training, a sum equal to the amount of the additional expenses of training is recoverable by the Government from the employee or his estate by—

(1) setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; and

(2) such other method as is provided by law for the recovery of amounts owing to the Government.

The head of the agency concerned, under the regulations prescribed under section 4118 of this title, may waive in whole or in part a right of recovery under this subsection, if it is shown that the recovery would be against equity and good conscience or against the public interest.

§ 4109. Expenses of training

(a) The head of an agency, under the regulations prescribed under section 4118(a) (8) of this title and from appropriations or other funds available to the agency, may—

(1) pay all or a part of the pay (except overtime, holiday, or night differential pay) of an employee of the agency selected and assigned for training under this chapter, for the period of training; and

(2) pay, or reimburse the employee for, all or a part of the necessary expenses of the training, without regard to section 529 of title 31, including among the expenses the necessary costs of—

(A) travel and per diem instead of subsistence under subchapter I of chapter 57 of this title or, in the case of commissioned officers of the Coast and Geodetic Survey, sections 404 and 405 of title 37, and the Joint Travel Regulations for the Uniformed Services;

(B) transportation of immediate family, household goods and personal effects, packing, crating, temporarily storing, draying, and unpacking under section 5724 of this title, and regulations prescribed under Executive Order 11012, or, in the case of commissioned officers of the Coast and Geodetic Survey, sections 406 and 409 of title 37, and the Joint Travel Regulations for the Uniformed Services, when the estimated costs of transportation and related services are less than the estimated aggregate per diem payments for the period of training;

(C) tuition and matriculation fees;

(D) library and laboratory services;

1 (E) purchase or rental of books, materials, and supplies;
2 and

3 (F) other services or facilities directly related to the train-
4 ing of the employee.

5 (b) The expenses of training do not include membership fees ex-
6 cept to the extent that the fee is a necessary cost directly related to the
7 training itself or that payment of the fee is a condition precedent to
8 undergoing the training.

9 **§ 4110. Expenses of attendance at meetings**

10 Appropriations available to an agency for travel expenses are avail-
11 able for expenses of attendance at meetings which are concerned with
12 the functions or activities for which the appropriation is made or
13 which will contribute to improved conduct, supervision, or manage-
14 ment of the functions or activities.

15 **§ 4111. Acceptance of contributions, awards, and other payments**

16 (a) To the extent authorized by regulation of the President, con-
17 tributions and awards incident to training in non-Government facili-
18 ties, and payment of travel, subsistence, and other expenses incident
19 to attendance at meetings, may be made to and accepted by an em-
20 ployee, without regard to section 209 of title 18, if the contribu-
21 tions, awards, and payments are made by an organization determined
22 by the Secretary of the Treasury to be an organization described by
23 section 501(c)(3) of title 26 which is exempt from taxation under sec-
24 tion 501(a) of title 26.

25 (b) When a contribution, award, or payment, in cash or in kind,
26 is made to an employee for travel, subsistence, or other expenses under
27 subsection (a) of this section, an appropriate reduction, under regula-
28 tions of the Director of the Bureau of the Budget, shall be made from
29 payment by the Government to the employee for travel, subsistence, or
30 other expenses incident to training in a non-Government facility or to
31 attendance at a meeting.

32 **§ 4112. Absorption of costs within funds available**

33 (a) The Director of the Bureau of the Budget, to the extent he
34 considers practicable, shall provide by regulation for the absorption
35 of the costs of the training programs and plans under this chapter
36 by the respective agencies from applicable appropriations or funds
37 available for each fiscal year.

38 (b) Subsection (a) of this section may not be held or considered to
39 require—

40 (1) the separation of an individual from the service by reduc-
41 tion in force or other personnel action; or

(2) the placement of an individual in a leave-without-pay status.

§ 4113. Agency review of training needs; annual program reports

(a) The head of each agency, at least once every 3 years, shall review the needs and requirements of the agency for the training of employees under its jurisdiction. The Civil Service Commission, on request of an agency, may assist the agency with the review. Information obtained or developed in a review shall be made available to the Commission at its request.

(b) Each agency shall report annually to the Commission, at such times and in such form as the Commission prescribes, on its programs and plans for the training of employees under this chapter. The report shall set forth—

(1) such information concerning the expenditures of the agency in connection with training as the Commission considers appropriate;

(2) the name of each employee of the agency, except a student participating in a cooperative educational program, who, during the period covered by the report, received training by, in, or through a non-Government facility for more than 120 days; the grade, title, and primary duties of the position held by the employee; the name of the non-Government facility from which the training was received; the nature, length, and cost of the training to the Government; and the relationship of the training to official duties;

(3) the name of each employee of the agency who received a contribution or award under section 4111(a) of this title during the period covered by the report;

(4) a statement concerning the value of the training to the agency;

(5) estimates of the extent to which economies and improved operations have resulted from the training; and

(6) such other information as the agency or the Commission considers appropriate.

§ 4114. Non-Government facilities; review of training programs

The Civil Service Commission, at the times and to the extent it considers necessary, shall review the operations, activities, and related transactions of each agency in connection with each agency program, and plan thereunder, for the training of its employees by, in, and through non-Government facilities under this chapter in order to determine whether the operations, activities, and related transactions

1 comply with the programs and plans, the provisions and purposes of
2 this chapter, and the principles, standards, and related requirements
3 contained in the regulations prescribed under section 4118 of this title.
4 Each agency, on request of the Commission, shall cooperate and assist
5 in the review. If the Commission finds that noncompliance exists in an
6 agency, the Commission, after consultation with the agency, shall
7 certify to the head of the agency its recommendations for change of
8 actions and procedures. If, after a reasonable time for placing its
9 recommendations in effect, the Commission finds that noncompliance
10 continues to exist in the agency, the Commission shall report the
11 finding to the President for such action as he considers appropriate.

12 **§ 4115. Collection of training information**

13 The Civil Service Commission, to the extent it considers appropriate
14 in the public interest, may collect information concerning training
15 programs, plans, and the methods inside and outside the Government.
16 The Commission, on request, may make the information available to
17 an agency and to Congress.

18 **§ 4116. Training program assistance**

19 The Civil Service Commission, on request of an agency, shall advise
20 and assist in the establishment, operation, and maintenance of the
21 training programs and plans of the agency under this chapter, to the
22 extent of its facilities and personnel available for that purpose.

23 **§ 4117. Administration**

24 The Civil Service Commission has the responsibility and authority
25 for effective promotion and coordination of the training programs
26 under this chapter and training operations thereunder. The func-
27 tions, duties, and responsibilities of the Commission under this chapter
28 are subject to supervision and control by the President and review by
29 Congress.

30 **§ 4118. Regulations**

31 (a) The Civil Service Commission, after considering the needs and
32 requirements of each agency for training its employees and after con-
33 sulting with the agencies principally concerned, shall prescribe regu-
34 lations containing the principles, standards, and related requirements
35 for the programs, and plans thereunder, for the training of employees
36 under this chapter, including requirements for coordination of and
37 reasonable uniformity in the agency training programs and plans.
38 The regulations shall provide for the maintenance of necessary infor-
39 mation concerning the general conduct of the training activities of
40 each agency, and such other information as is necessary to enable the
41 President and Congress to discharge effectively their respective duties

1 and responsibilities for supervision, control, and review of these train-
2 ing programs. The regulations also shall cover—

3 (1) requirements concerning the determination and continuing
4 review by each agency of its training needs and requirements;

5 (2) the scope and conduct of the agency training programs and
6 plans;

7 (3) the selection and assignment of employees of each agency
8 for training;

9 (4) the use in each agency of the services of employees who
10 have undergone training;

11 (5) the evaluation of the results and effects of the training
12 programs and plans;

13 (6) the interchange of training information among the
14 agencies;

15 (7) the submission of reports by the agencies on results and
16 effects of training programs and plans and economies resulting
17 therefrom, including estimates of costs of training by, in, and
18 through non-Government facilities;

19 (8) requirements and limitations necessary with respect to pay-
20 ments and reimbursements in accordance with section 4109 of
21 this title; and

22 (9) other matters considered appropriate or necessary by the
23 Commission to carry out the provisions of this chapter.

24 (b) In addition to the matters set forth by subsection (a) of this
25 section, the regulations, concerning training of employees by, in, or
26 through non-Government facilities, shall—

27 (1) prescribe general policies governing the selection of a non-
28 Government facility to provide training;

29 (2) authorize training of employees only after the head of the
30 agency concerned determines that adequate training for employees
31 by, in, or through a Government facility is not reasonably avail-
32 able, and that consideration has been given to the existing or
33 reasonably foreseeable availability and use of fully trained
34 employees; and

35 (3) prohibit training an employee for the purpose of filling a
36 position by promotion if there is in the agency concerned another
37 employee, of equal ability and suitability, fully qualified to fill
38 the position and available at, or within a reasonable distance from,
39 the place where the duties of the position are to be performed.

40 (c) The Commission, in accordance with this chapter, may revise,

1 supplement, or abolish regulations prescribed under this section, and
 2 prescribe additional regulations.

3 (d) This section does not authorize the Commission to prescribe the
 4 types and methods of intra-agency training or to regulate the details
 5 of intra-agency training programs.

6 **CHAPTER 43—PERFORMANCE RATING**

Sec.

4301. Definitions.

4302. Performance-rating plans; establishment of.

4303. Performance-rating plans; requirements for.

4304. Ratings for performance.

4305. Review of ratings.

4306. Performance-rating plans; inspection of.

4307. Other rating procedures prohibited.

4308. Regulations.

7 **§ 4301. Definitions**

8 For the purpose of this chapter—

9 (1) “agency” means—

10 (A) an Executive agency;

11 (B) the Administrative Office of the United States Courts;

12 (C) the Library of Congress;

13 (D) the Botanic Garden;

14 (E) the Government Printing Office; and

15 (F) the government of the District of Columbia;

16 but does not include—

17 (i) the Tennessee Valley Authority;

18 (ii) the postal field service;

19 (iii) the Foreign Service, Department of State;

20 (iv) the Atomic Energy Commission;

21 (v) the Central Intelligence Agency;

22 (vi) the National Security Agency; or

23 (vii) a Government controlled corporation; and

24 (2) “employee” means an individual employed in or under
 25 an agency, but does not include—

26 (A) a physician, dentist, nurse, or other employee in the
 27 Department of Medicine and Surgery, Veterans’ Administra-
 28 tion, whose pay is fixed under chapter 73 of title 38;

29 (B) an employee outside the continental United States
 30 who is paid in accordance with local native prevailing wage
 31 rates for the area in which employed;

32 (C) a civilian officer and member of a crew of a vessel
 33 operated by the Department of the Army or the Department
 34 of the Navy;

(D) an individual employed by the government of the District of Columbia whose pay is not fixed under chapter 51 and subchapter III of chapter 53 of this title; or

(E) a hearing examiner appointed under section 3105 of this title.

§ 4302. Performance-rating plans; establishment of

For the purpose of recognizing the merits of employees and their contributions to efficiency and economy in the Federal service, each agency shall establish and use one or more performance-rating plans for evaluating the work performance of its employees.

§ 4303. Performance-rating plans; requirements for

Each performance-rating plan shall be as simple as possible and shall provide—

(1) that performance requirements be made known to all employees;

(2) that performance of the employee be fairly appraised in relation to the requirements;

(3) for use of appraisals to improve employee performance;

(4) for strengthening supervisor-employee relationships; and

(5) that each employee be kept currently advised of his performance and promptly notified of his performance rating.

§ 4304. Ratings for performance

(a) Each performance-rating plan shall provide for ratings representing at least—

(1) satisfactory performance;

(2) unsatisfactory performance; and

(3) outstanding performance.

(b) An employee may be rated unsatisfactory only after a 90-day advance warning and after a reasonable opportunity to demonstrate satisfactory performance. A performance rating of unsatisfactory is a basis for removal from the position in which the performance was unsatisfactory.

(c) A performance rating of outstanding may be given only when all aspects of performance not only exceed normal requirements but are outstanding and deserve special commendation.

§ 4305. Review of ratings

(a) An agency, on request of an employee of that agency, shall provide one impartial review of the performance rating of the employee.

1 (b) Each agency shall establish one or more boards of review of
2 equal jurisdiction to consider and pass on the merits of performance
3 ratings under rating plans established under this chapter. Each
4 board of review shall have three members, one member designated by
5 the head of the agency, one member designated by the employees of
6 the agency in the manner prescribed by the Civil Service Commission,
7 and one member, who serves as chairman, designated by the Com-
8 mission. Alternate members are designated in the same manner as
9 their respective principals.

10 (c) In addition to the review under subsection (a) of this section,
11 an employee with a current performance rating of less than satisfac-
12 tory, on written appeal to the chairman of the appropriate board of
13 review established under subsection (b) of this section, is entitled to
14 a hearing and decision on the merits of the appealed rating. If an
15 employee with a current performance rating of satisfactory has not
16 requested and obtained review of the rating under subsection (a) of
17 this section, he is entitled, on written appeal to the chairman of the
18 appropriate board of review established under subsection (b) of this
19 section, to a hearing and decision on the merits of the appealed rating.

20 (d) At the hearing the appellant, or his designated representative,
21 and representatives of the agency are entitled to submit pertinent
22 information orally or in writing, and to hear or examine, and reply to,
23 information submitted by others. After the hearing, the board of
24 review shall confirm the appealed rating or make such change as it
25 considers proper.

26 **§ 4306. Performance-rating plans; inspection of**

27 (a) The Civil Service Commission shall inspect the administration
28 of performance-rating plans by each agency to determine compliance
29 with the requirements of this chapter and the regulations prescribed
30 thereunder.

31 (b) When the Commission determines that a performance-rating
32 plan does not meet the requirements of this chapter and the regula-
33 tions prescribed thereunder, the Commission, after notice to the
34 agency giving the reasons, may revoke its approval of the plan.
35 After revocation, the performance-rating plan and any current ratings
36 thereunder are inoperative, and the agency thereafter shall use a
37 performance-rating plan prescribed by the Commission.

38 **§ 4307. Other rating procedures prohibited**

39 An employee may not be given a performance rating, regardless of
40 the name given to the rating, and a rating may not be used as a basis
41 for any action, except under a performance-rating plan approved by

the Civil Service Commission as meeting the requirements of this chapter.

§ 4308. Regulations

The Civil Service Commission may prescribe regulations necessary for the administration of this chapter.

CHAPTER 45—INCENTIVE AWARDS

Sec.

4501. Definitions.

4502. General provisions.

4503. Agency awards.

4504. Presidential awards.

4505. Awards to former employees.

4506. Regulations.

§ 4501. Definitions

For the purpose of this chapter—

(1) “agency” means—

(A) an Executive agency;

(B) the Administrative Office of the United States Courts;

(C) the Library of Congress;

(D) the Office of the Architect of the Capitol;

(E) the Botanic Garden;

(F) the Government Printing Office; and

(G) the government of the District of Columbia;

but does not include—

(i) the Tennessee Valley Authority; or

(ii) the Central Bank for Cooperatives;

(2) “employee” means—

(A) an employee as defined by section 2105 of this title;

and

(B) an individual employed by the government of the

District of Columbia; and

(3) “Government” means the Government of the United States

and the government of the District of Columbia.

§ 4502. General provisions

(a) Except as provided by subsection (b) of this section, a cash award under this chapter may not exceed \$5,000.

(b) When the head of an agency certifies to the Civil Service Commission that the suggestion, invention, superior accomplishment, or other meritorious effort for which the award is proposed is highly exceptional and unusually outstanding, a cash award in excess of \$5,000 but not in excess of \$25,000 may be granted with the approval of the Commission.

1 (c) A cash award under this chapter is in addition to the regular
 2 pay of the recipient. Acceptance of a cash award under this chapter
 3 constitutes an agreement that the use by the Government of an idea,
 4 method, or device for which the award is made does not form the basis
 5 of a further claim of any nature against the Government by the em-
 6 ployee, his heirs, or assigns.

7 (d) A cash award to, and expense for the honorary recognition of,
 8 an employee may be paid from the fund or appropriation available
 9 to the activity primarily benefiting or the various activities benefiting.
 10 The head of the agency concerned determines the amount to be paid
 11 by each activity for an agency award under section 4503 of this title.
 12 The President determines the amount to be paid by each activity for a
 13 Presidential award under section 4504 of this title.

14 **§ 4503. Agency awards**

15 The head of an agency may pay a cash award to, and incur neces-
 16 sary expense for the honorary recognition of, an employee who—

17 (1) by his suggestion, invention, superior accomplishment, or
 18 other personal effort contributes to the efficiency, economy, or
 19 other improvement of Government operations; or

20 (2) performs a special act or service in the public interest in
 21 connection with or related to his official employment.

22 **§ 4504. Presidential awards**

23 The President may pay a cash award to, and incur necessary expense
 24 for the honorary recognition of, an employee who—

25 (1) by his suggestion, invention, superior accomplishment, or
 26 other personal effort contributes to the efficiency, economy, or
 27 other improvement of Government operations; or

28 (2) performs an exceptionally meritorious special act or service
 29 in the public interest in connection with or related to his official
 30 employment.

31 A Presidential award may be in addition to an agency award under
 32 section 4503 of this title.

33 **§ 4505. Awards to former employees**

34 An agency may pay or grant an award under this chapter notwith-
 35 standing the death or separation from the service of the employee
 36 concerned, if the suggestion, invention, superior accomplishment, other
 37 personal effort, or special act or service in the public interest for which
 38 the award is proposed was made or performed while the employee
 39 was in the employ of the Government.

1 **§ 4506. Regulations**

2 The Civil Service Commission may prescribe regulations and in-
3 structions under which the agency awards program set forth by this
4 chapter shall be carried out.

5 **SUBPART D—PAY AND ALLOWANCES**

6 **CHAPTER 51—CLASSIFICATION**

Sec.

5101. Purpose.

5102. Definitions; application.

5103. Determination of applicability.

5104. Basis for grading positions.

5105. Standards for classification of positions.

5106. Basis for classifying positions.

5107. Classification of positions.

5108. Classification of positions at GS-16, 17, and 18.

5109. Positions classified by statute.

5110. Review of classification of positions.

5111. Revocation and restoration of authority to classify positions.

5112. General authority of the Civil Service Commission.

5113. Classification records.

5114. Reports; positions in GS-16, 17, and 18.

5115. Regulations.

7 **§ 5101. Purpose**

8 It is the purpose of this chapter to provide a plan for classification
9 of positions whereby—

10 (1) in determining the rate of basic pay which an employee
11 will receive—

12 (A) the principle of equal pay for substantially equal
13 work will be followed; and

14 (B) variations in rates of basic pay paid to different
15 employees will be in proportion to substantial differences in
16 the difficulty, responsibility, and qualification requirements
17 of the work performed and to the contributions of employees
18 to efficiency and economy in the service; and

19 (2) individual positions will, in accordance with their duties,
20 responsibilities, and qualification requirements, be so grouped and
21 identified by classes and grades, as defined by section 5102 of this
22 title, and the various classes will be so described in published
23 standards, as provided by section 5105 of this title, that the result-
24 ing position-classification system can be used in all phases of per-
25 sonnel administration.

26 **§ 5102. Definitions; application**

27 (a) For the purpose of this chapter—

28 (1) “agency” means—

29 (A) an Executive agency;

1 (B) the Administrative Office of the United States
2 Courts;

3 (C) the Library of Congress;

4 (D) the Botanic Garden;

5 (E) the Government Printing Office;

6 (F) the Office of the Architect of the Capitol; and

7 (G) the government of the District of Columbia;

8 but does not include—

9 (i) a Government controlled corporation;

10 (ii) the Tennessee Valley Authority;

11 (iii) The Alaska Railroad;

12 (iv) the Virgin Islands Corporation;

13 (v) the Atomic Energy Commission;

14 (vi) the Central Intelligence Agency;

15 (vii) the Panama Canal Company; or

16 (viii) the National Security Agency, Department of
17 Defense;

18 (2) “employee” means an individual employed in or under an
19 agency;

20 (3) “position” means the work, consisting of the duties and
21 responsibilities, assignable to an employee;

22 (4) “class” or “class of positions” includes all positions which
23 are sufficiently similar, as to—

24 (A) kind or subject-matter of work;

25 (B) level of difficulty and responsibility; and

26 (C) the qualification requirements of the work;

27 to warrant similar treatment in personnel and pay administra-
28 tion; and

29 (5) “grade” includes all classes of positions which, although
30 different with respect to kind or subject-matter of work, are suf-
31 ficiently equivalent as to—

32 (A) level of difficulty and responsibility; and

33 (B) level of qualification requirements of the work;

34 to warrant their inclusion within one range of rates of basic
35 pay in the General Schedule.

36 (b) Except as provided by subsections (c) and (d) of this section,
37 this chapter applies to all civilian positions and employees in or
38 under an agency.

39 (c) This chapter does not apply to—

40 (1) employees in the postal field service whose pay is fixed
41 under chapter 45 of title 39;

(2) employees in the Foreign Service, Department of State, whose pay is fixed under chapter 14 of title 22; and positions in or under the Department of State which are—

(A) connected with the representation of the United States to international organizations; or

(B) specifically exempted by statute from this chapter or other classification or pay statute;

(3) physicians, dentists, nurses, and other employees in the Department of Medicine and Surgery, Veterans' Administration, whose pay is fixed under chapter 73 of title 38;

(4) teachers, school officials, and employees of the Board of Education of the District of Columbia, whose pay is fixed under chapter 15 of title 31, District of Columbia Code; and the chief judge and the associate judges of the District of Columbia Court of General Sessions, the District of Columbia Court of Appeals, and the Juvenile Court of the District of Columbia;

(5) members of the Metropolitan Police, the Fire Department of the District of Columbia, the United States Park Police, and the White House Police;

(6) lighthouse keepers and civilian employees on lightships and vessels of the Coast Guard, whose pay is fixed under section 432(f) and (g) of title 14;

(7) employees in recognized trades or crafts, or other skilled mechanical crafts, or in unskilled, semiskilled, or skilled manual-labor occupations, and other employees including foremen and supervisors in positions having trade, craft, or laboring experience and knowledge as the paramount requirement, and employees in the Bureau of Engraving and Printing whose duties are to perform or to direct manual or machine operations requiring special skill or experience, or to perform or direct the counting, examining, sorting, or other verification of the product of manual or machine operations;

(8) officers and members of crews of vessels;

(9) employees of the Government Printing Office whose pay is fixed under section 40 of title 44;

(10) civilian professors, lecturers, and instructors at the Naval War College and the Naval Academy whose pay is fixed under sections 6952 and 7478 of title 10; senior professors, professors, associate and assistant professors, and instructors at the Naval Postgraduate School whose pay is fixed under section 7044 of title 10; and the Academic Dean of the Postgraduate School of the

1 Naval Academy whose pay is fixed under section 7043 of title 10;

2 (11) aliens or noncitizens of the United States who occupy
3 positions outside the United States;

4 (12) (A) employees of an agency who are stationed in the
5 Canal Zone; and

6 (B) on approval by the Civil Service Commission of the request
7 of an agency which has employees stationed in both the Republic
8 of Panama and the Canal Zone, employees of the agency who are
9 stationed in the Republic of Panama;

10 (13) employees who serve without pay or at nominal rates of
11 pay;

12 (14) employees whose pay is not wholly from appropriated
13 funds of the United States, except that with respect to the Vet-
14 erans' Canteen Service, Veterans' Administration, this paragraph
15 applies only to employees necessary for the transaction of the busi-
16 ness of the Service at canteens, warehouses, and storage depots
17 whose employment is authorized by section 4202 of title 38;

18 (15) employees whose pay is fixed under a cooperative agree-
19 ment between the United States and—

20 (A) a State or territory or possession of the United States,
21 or political subdivision thereof; or

22 (B) an individual or organization outside the service of
23 the Government of the United States;

24 (16) student nurses, medical or dental interns, residents-in-
25 training, student dietitians, student physical therapists, student
26 occupational therapists, and other student employees, assigned or
27 attached to a hospital, clinic, or laboratory primarily for train-
28 ing purposes, whose pay is fixed under subchapter V of chapter
29 53 of this title or section 4114 of title 38;

30 (17) inmates, patients, or beneficiaries receiving care or treat-
31 ment or living in Government agencies or institutions;

32 (18) experts or consultants, when employed temporarily or
33 intermittently in accordance with section 3109 of this title;

34 (19) emergency or seasonal employees whose employment is of
35 uncertain or purely temporary duration, or who are employed for
36 brief periods at intervals;

37 (20) employees employed on a fee, contract, or piece work
38 basis;

39 (21) employees who may lawfully perform their duties con-
40 currently with their private profession, business, or other employ-

ment, and whose duties require only a portion of their time, when it is impracticable to ascertain or anticipate the proportion of time devoted to the service of the Government of the United States;

(22) "teachers" and "teaching positions" as defined by section 901 of title 20;

(23) examiners-in-chief and designated examiners-in-chief in the Patent Office, Department of Commerce;

(24) temporary positions in the Bureau of the Census established under section 23 of title 13, and enumerator positions in the Bureau of the Census; or

(25) positions for which rates of basic pay are individually fixed, or expressly authorized to be fixed, by other statute, at or in excess of the maximum rate for GS-18.

(d) This chapter does not apply to an employee of the Office of the Architect of the Capitol whose pay is fixed by other statute. Subsection (c) of this section, except paragraph (7), does not apply to the Office of the Architect of the Capitol.

§ 5103. Determination of applicability

The Civil Service Commission shall determine finally the applicability of section 5102 of this title to specific positions and employees, except for positions and employees in the Office of the Architect of the Capitol.

§ 5104. Basis for grading positions

The General Schedule, the symbol for which is "GS", is the basic pay schedule for positions to which this chapter applies. The General Schedule is divided into 18 grades of difficulty and responsibility of work, as follows:

(1) Grade GS-1 includes those classes of positions the duties of which are to perform, under immediate supervision, with little or no latitude for the exercise of independent judgment—

(A) the simplest routine work in office, business, or fiscal operations; or

(B) elementary work of a subordinate technical character in a professional, scientific, or technical field.

(2) Grade GS-2 includes those classes of positions the duties of which are—

(A) to perform, under immediate supervision, with limited latitude for the exercise of independent judgment, routine work in office, business, or fiscal operations, or com-

1 parable subordinate technical work of limited scope in a pro-
2 fessional, scientific, or technical field, requiring some train-
3 ing or experience; or

4 (B) to perform other work of equal importance, difficulty,
5 and responsibility, and requiring comparable qualifications.

6 (3) Grade GS-3 includes those classes of positions the duties
7 of which are—

8 (A) to perform, under immediate or general supervision,
9 somewhat difficult and responsible work in office, business, or
10 fiscal operations, or comparable subordinate technical work
11 of limited scope in a professional, scientific, or technical field,
12 requiring in either case—

13 (i) some training or experience;

14 (ii) working knowledge of a special subject matter; or

15 (iii) to some extent the exercise of independent judg-
16 ment in accordance with well-established policies, pro-
17 cedures, and techniques; or

18 (B) to perform other work of equal importance, difficulty,
19 and responsibility, and requiring comparable qualifications.

20 (4) Grade GS-4 includes those classes of positions the duties of
21 which are—

22 (A) to perform, under immediate or general supervision,
23 moderately difficult and responsible work in office, business, or
24 fiscal operations, or comparable subordinate technical work
25 in a professional, scientific, or technical field, requiring in
26 either case—

27 (i) a moderate amount of training and minor super-
28 visory or other experience;

29 (ii) good working knowledge of a special subject
30 matter or a limited field of office, laboratory, engineering,
31 scientific, or other procedure and practice; and

32 (iii) the exercise of independent judgment in accord-
33 ance with well-established policies, procedures, and tech-
34 niques; or

35 (B) to perform other work of equal importance, difficulty,
36 and responsibility, and requiring comparable qualifications.

37 (5) Grade GS-5 includes those classes of positions the duties of
38 which are—

39 (A) to perform, under general supervision, difficult and
40 responsible work in office, business, or fiscal administration, or

comparable subordinate technical work in a professional, scientific, or technical field, requiring in either case—

(i) considerable training and supervisory or other experience;

(ii) broad working knowledge of a special subject matter or of office, laboratory, engineering, scientific, or other procedure and practice; and

(iii) the exercise of independent judgment in a limited field;

(B) to perform, under immediate supervision, and with little opportunity for the exercise of independent judgment, simple and elementary work requiring professional, scientific, or technical training; or

(C) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(6) Grade GS-6 includes those classes of positions the duties of which are—

(A) to perform, under general supervision, difficult and responsible work in office, business, or fiscal administration, or comparable subordinate technical work in a professional, scientific, or technical field, requiring in either case—

(i) considerable training and supervisory or other experience;

(ii) broad working knowledge of a special and complex subject matter, procedure, or practice, or of the principles of the profession, art, or science involved; and

(iii) to a considerable extent the exercise of independent judgment; or

(B) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(7) Grade GS-7 includes those classes of positions the duties of which are—

(A) to perform, under general supervision, work of considerable difficulty and responsibility along special technical or supervisory lines in office, business, or fiscal administration, or comparable subordinate technical work in a professional, scientific, or technical field, requiring in either case—

(i) considerable specialized or supervisory training and experience;

(ii) comprehensive working knowledge of a special

1 and complex subject matter, procedure, or practice, or
 2 of the principles of the profession, art, or science in-
 3 volved; and

4 (iii) to a considerable extent the exercise of independ-
 5 ent judgment;

6 (B) under immediate or general supervision, to perform
 7 somewhat difficult work requiring—

8 (i) professional, scientific, or technical training; and

9 (ii) to a limited extent, the exercise of independent
 10 technical judgment; or

11 (C) to perform other work of equal importance, difficulty,
 12 and responsibility, and requiring comparable qualifications.

13 (8) Grade GS-8 includes those classes of positions the duties
 14 of which are—

15 (A) to perform, under general supervision, very difficult
 16 and responsible work along special technical or supervisory
 17 lines in office, business, or fiscal administration, requiring—

18 (i) considerable specialized or supervisory training
 19 and experience;

20 (ii) comprehensive and thorough working knowledge
 21 of a specialized and complex subject matter, procedure,
 22 or practice, or of the principles of the profession, art, or
 23 science involved; and

24 (iii) to a considerable extent the exercise of independ-
 25 ent judgment; or

26 (B) to perform other work of equal importance, difficulty,
 27 and responsibility, and requiring comparable qualifications.

28 (9) Grade GS-9 includes those classes of positions the duties
 29 of which are—

30 (A) to perform, under general supervision, very difficult
 31 and responsible work along special technical, supervisory,
 32 or administrative lines in office, business, or fiscal admin-
 33 istration, requiring—

34 (i) somewhat extended specialized training and con-
 35 siderable specialized, supervisory, or administrative ex-
 36 perience which has demonstrated capacity for sound
 37 independent work;

38 (ii) thorough and fundamental knowledge of a special
 39 and complex subject matter, or of the profession, art,
 40 or science involved; and

(iii) considerable latitude for the exercise of independent judgment;

(B) with considerable latitude for the exercise of independent judgment, to perform moderately difficult and responsible work, requiring—

(i) professional, scientific, or technical training equivalent to that represented by graduation from a college or university of recognized standing; and

(ii) considerable additional professional, scientific, or technical training or experience which has demonstrated capacity for sound independent work; or

(C) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(10) Grade GS-10 includes those classes of positions the duties of which are—

(A) to perform, under general supervision, highly difficult and responsible work along special technical, supervisory, or administrative lines in office, business, or fiscal administration, requiring—

(i) somewhat extended specialized, supervisory, or administrative training and experience which has demonstrated capacity for sound independent work;

(ii) thorough and fundamental knowledge of a specialized and complex subject matter, or of the profession, art, or science involved; and

(iii) considerable latitude for the exercise of independent judgment; or

(B) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(11) Grade GS-11 includes those classes of positions the duties of which are—

(A) to perform, under general administrative supervision and with wide latitude for the exercise of independent judgment, work of marked difficulty and responsibility along special technical, supervisory, or administrative lines in office, business, or fiscal administration, requiring—

(i) extended specialized, supervisory, or administrative training and experience which has demonstrated important attainments and marked capacity for sound independent action or decision; and

1 (ii) intimate grasp of a specialized and complex sub-
 2 ject matter, or of the profession, art, or science involved,
 3 or of administrative work of marked difficulty;

4 (B) with wide latitude for the exercise of independent
 5 judgment, to perform responsible work of considerable diffi-
 6 culty requiring somewhat extended professional, scientific, or
 7 technical training and experience which has demonstrated
 8 important attainments and marked capacity for independent
 9 work; or

10 (C) to perform other work of equal importance, difficulty,
 11 and responsibility, and requiring comparable qualifications.

12 (12) Grade GS-12 includes those classes of positions the duties
 13 of which are—

14 (A) to perform, under general administrative supervi-
 15 sion, with wide latitude for the exercise of independent judg-
 16 ment, work of a very high order of difficulty and respon-
 17 sibility along special technical, supervisory, or administrative
 18 lines in office, business, or fiscal administration, requiring—

19 (i) extended specialized, supervisory, or administra-
 20 tive training and experience which has demonstrated
 21 leadership and attainments of a high order in specialized
 22 or administrative work; and

23 (ii) intimate grasp of a specialized and complex sub-
 24 ject matter or of the profession, art, or science involved;

25 (B) under general administrative supervision, and with
 26 wide latitude for the exercise of independent judgment, to
 27 perform professional, scientific, or technical work of marked
 28 difficulty and responsibility requiring extended professional,
 29 scientific, or technical training and experience which has
 30 demonstrated leadership and attainments of a high order in
 31 professional, scientific, or technical research, practice, or ad-
 32 ministration; or

33 (C) to perform other work of equal importance, difficulty,
 34 and responsibility, and requiring comparable qualifications.

35 (13) Grade GS-13 includes those classes of positions the duties
 36 of which are—

37 (A) to perform, under administrative direction, with wide
 38 latitude for the exercise of independent judgment, work of
 39 unusual difficulty and responsibility along special technical,
 40 supervisory, or administrative lines, requiring extended spe-
 41 cialized, supervisory, or administrative training and experi-

1 ence which has demonstrated leadership and marked attain-
2 ments;

3 (B) to serve as assistant head of a major organization in-
4 volving work of comparable level within a bureau;

5 (C) to perform, under administrative direction, with wide
6 latitude for the exercise of independent judgment, work of
7 unusual difficulty and responsibility requiring extended pro-
8 fessional, scientific, or technical training and experience
9 which has demonstrated leadership and marked attainments
10 in professional, scientific, or technical research, practice, or
11 administration; or

12 (D) to perform other work of equal importance, difficulty,
13 and responsibility, and requiring comparable qualifications.

14 (14) Grade GS-14 includes those classes of positions the duties
15 of which are—

16 (A) to perform, under general administrative direction,
17 with wide latitude for the exercise of independent judgment,
18 work of exceptional difficulty and responsibility along special
19 technical, supervisory, or administrative lines which has dem-
20 onstrated leadership and unusual attainments;

21 (B) to serve as head of a major organization within a
22 bureau involving work of comparable level;

23 (C) to plan and direct or to plan and execute major pro-
24 fessional, scientific, technical, administrative, fiscal, or other
25 specialized programs, requiring extended training and ex-
26 perience which has demonstrated leadership and unusual
27 attainments in professional, scientific, or technical research,
28 practice, or administration, or in administrative, fiscal, or
29 other specialized activities; or

30 (D) to perform consulting or other professional, scientific,
31 technical, administrative, fiscal, or other specialized work of
32 equal importance, difficulty, and responsibility, and requiring
33 comparable qualifications.

34 (15) Grade GS-15 includes those classes of positions the
35 duties of which are—

36 (A) to perform, under general administrative direction,
37 with very wide latitude for the exercise of independent
38 judgment, work of outstanding difficulty and responsibility
39 along special technical, supervisory, or administrative lines
40 which has demonstrated leadership and exceptional attain-
41 ments;

1 (B) to serve as head of a major organization within a
2 bureau involving work of comparable level;

3 (C) to plan and direct or to plan and execute specialized
4 programs of marked difficulty, responsibility, and national
5 significance, along professional, scientific, technical, admin-
6 istrative, fiscal, or other lines, requiring extended training
7 and experience which has demonstrated leadership and un-
8 usual attainments in professional, scientific, or technical re-
9 search, practice, or administration, or in administrative,
10 fiscal, or other specialized activities; or

11 (D) to perform consulting or other professional, scientific,
12 technical, administrative, fiscal, or other specialized work of
13 equal importance, difficulty, and responsibility, and requiring
14 comparable qualifications.

15 (16) Grade GS-16 includes those classes of positions the
16 duties of which are—

17 (A) to perform, under general administrative direction,
18 with unusual latitude for the exercise of independent judg-
19 ment, work of outstanding difficulty and responsibility along
20 special technical, supervisory, or administrative lines which
21 has demonstrated leadership and exceptional attainments;

22 (B) to serve as the head of a major organization involving
23 work of comparable level;

24 (C) to plan and direct or to plan and execute professional,
25 scientific, technical, administrative, fiscal, or other specialized
26 programs of unusual difficulty, responsibility, and national
27 significance, requiring extended training and experience
28 which has demonstrated leadership and exceptional attain-
29 ments in professional, scientific, or technical research, prac-
30 tice, or administration, or in administrative, fiscal, or other
31 specialized activities; or

32 (D) to perform consulting or other professional, scientific,
33 technical, administrative, fiscal, or other specialized work of
34 equal importance, difficulty, and responsibility, and requir-
35 ing comparable qualifications.

36 (17) Grade GS-17 includes those classes of positions the duties
37 of which are—

38 (A) to serve as the head of a bureau where the position,
39 considering the kind and extent of the authorities and re-
40 sponsibilities vested in it, and the scope, complexity, and de-
41 gree of difficulty of the activities carried on, is of a high

order among the whole group of positions of heads of bureaus;

(B) to plan and direct or to plan and execute professional, scientific, technical, administrative, fiscal, or other specialized programs of exceptional difficulty, responsibility, and national significance, requiring extended training and experience which has demonstrated exceptional leadership and attainments in professional, scientific, or technical research, practice, or administration, or in administrative, fiscal, or other specialized activities; or

(C) to perform consulting or other professional, scientific, technical, administrative, fiscal, or other specialized work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(18) Grade GS-18 includes those classes of positions the duties of which are—

(A) to serve as the head of a bureau where the position, considering the kind and extent of the authorities and responsibilities vested in it, and the scope, complexity, and degree of difficulty of the activities carried on, is exceptional and outstanding among the whole group of positions of heads of bureaus;

(B) to plan and direct or to plan and execute frontier or unprecedented professional, scientific, technical, administrative, fiscal, or other specialized programs of outstanding difficulty, responsibility, and national significance, requiring extended training and experience which has demonstrated outstanding leadership and attainments in professional, scientific, or technical research, practice, or administration, or in administrative, fiscal, or other specialized activities; or

(C) to perform consulting or other professional, scientific, technical, administrative, fiscal, or other specialized work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

§ 5105. Standards for classification of positions

(a) The Civil Service Commission, after consulting the agencies, shall prepare standards for placing positions in their proper classes and grades. The Commission may make such inquiries or investigations of the duties, responsibilities, and qualification requirements of positions as it considers necessary for this purpose. The agencies, on request of the Commission, shall furnish information for and cooper-

1 ate in the preparation of the standards. In the standards, which shall
2 be published in such form as the Commission may determine, the Com-
3 mission shall—

4 (1) define the various classes of positions in terms of duties,
5 responsibilities, and qualification requirements;

6 (2) establish the official class titles; and

7 (3) set forth the grades in which the classes have been placed
8 by the Commission.

9 (b) The Commission, after consulting the agencies to the extent
10 considered necessary, shall revise, supplement, or abolish existing
11 standards, or prepare new standards, so that, as nearly as may be
12 practicable, positions existing at any given time will be covered by
13 current published standards.

14 (c) The official class titles established under subsection (a) (2) of
15 this section shall be used for personnel, budget, and fiscal purposes.
16 However, this requirement does not prevent the use of organizational
17 or other titles for internal administration, public convenience, law
18 enforcement, or similar purposes.

19 **§ 5106. Basis for classifying positions**

20 (a) Each position shall be placed in its appropriate class. The
21 basis for determining the appropriate class is the duties and responsi-
22 bilities of the position and the qualifications required by the duties and
23 responsibilities.

24 (b) Each class shall be placed in its appropriate grade. The basis
25 for determining the appropriate grade is the level of difficulty, respon-
26 sibility, and qualification requirements of the work of the class.

27 (c) Appropriated funds may not be used to pay an employee who
28 places a supervisory position in a class and grade solely on the basis of
29 the size of the organization unit or the number of subordinates super-
30 vised. These factors may be given effect only to the extent war-
31 ranted by the work load of the organization unit and then only in
32 combination with other factors, such as the kind, difficulty, and com-
33 plexity of work supervised, the degree and scope of responsibility
34 delegated to the supervisor, and the kind, degree, and character of
35 the supervision exercised.

36 **§ 5107. Classification of positions**

37 Except as otherwise provided by this chapter, each agency shall
38 place each position under its jurisdiction in its appropriate class and
39 grade in conformance with standards published by the Civil Service
40 Commission or, if no published standards apply directly, consistently

with published standards. When facts warrant, an agency may change a position which it has placed in a class or grade under this section from that class or grade to another class or grade. Subject to section 5337 of this title, these actions of an agency are the basis for pay and personnel transactions until changed by certificate of the Commission.

§ 5108. Classification of positions at GS-16, 17, and 18

(a) A majority of the Civil Service Commissioners may establish, and from time to time revise, the maximum numbers of positions (not to exceed an aggregate of 2,400, in addition to any professional engineering positions primarily concerned with research and development and professional positions in the physical and natural sciences and medicine which may be placed in these grades, and in addition to 240 hearing examiner positions under section 3105 of this title which may be placed in GS-16 and 9 such positions which may be placed in GS-17) which may be placed in GS-16, 17, and 18 at any one time. However, under this authority—

(1) not to exceed 25 percent of the aggregate number may be placed in GS-17 and not to exceed 12 percent of the aggregate number may be placed in GS-18;

(2) 50 of the positions are available only for allocation, with the approval of the President, for an agency or function created after October 4, 1961;

(3) 14 of the positions are available only for allocation to the United States Arms Control and Disarmament Agency;

(4) 6 of the positions are available only for allocation to the Immigration and Naturalization Service, Department of Justice; and

(5) 4 of the positions are available only for allocation to the Federal Home Loan Bank Board.

A position may be placed in GS-16, 17, or 18 only by action of, or after prior approval by, a majority of the Civil Service Commissioners.

(b) The number of positions of senior specialists in the Legislative Reference Service, Library of Congress, placed in GS-16, 17, and 18 under the proviso in section 166(b)(1) of title 2 are in addition to the number of positions authorized by subsection (a) of this section.

(c) In addition to the number of positions authorized by subsection (a) of this section—

(1) the Comptroller General of the United States, subject to the procedures prescribed by this section, may place a total of 39

1 positions in the General Accounting Office in GS-16, 17, and 18;

2 (2) the Director of the Federal Bureau of Investigation, with-
3 out regard to any other provision of this section, may place a total
4 of 75 positions in the Federal Bureau of Investigation in GS-16,
5 17, and 18;

6 (3) the Director of the Administrative Office of the United
7 States Courts may place a total of 4 positions in GS-17;

8 (4) the Commissioner of Immigration and Naturalization
9 may place a total of 11 positions in GS-17;

10 (5) the Secretary of Defense, subject to the standards and
11 procedures prescribed by this chapter, may place a total of 402
12 positions (in addition to any professional engineering positions
13 primarily concerned with research and development and profes-
14 sional engineering positions in the physical and natural sciences
15 which may be placed in these grades) in the Department of De-
16 fense in GS-16, 17, and 18;

17 (6) the Administrator of the National Aeronautics and Space
18 Administration, subject to the standards and procedures pre-
19 scribed by this chapter, may place a total of 5 positions in the
20 National Aeronautics and Space Administration in GS-16, 17,
21 and 18;

22 (7) the Attorney General, without regard to any other pro-
23 vision of this section, may place a total of—

24 (A) 10 positions of Warden in the Bureau of Prisons in
25 GS-16; and

26 (B) 8 positions of Member of the Board of Parole in
27 GS-17;

28 (8) the Attorney General, without regard to this chapter (ex-
29 cept section 5114), may place 1 position in GS-16; and

30 (9) the Railroad Retirement Board may place 4 positions in
31 GS-16, 4 in GS-17, and 1 in GS-18, for the purpose of its admin-
32 istration of chapter 9 or 11 of title 45, or both.

33 (d) When a general appropriation statute authorizes an agency
34 to place additional positions in GS-16, 17, and 18, the total number
35 of positions authorized to be placed in these grades by this section
36 (except subsection (c)(8) and (9)) is reduced by the number of
37 positions authorized by the appropriation statute, unless otherwise
38 specifically provided. The reduction is made in the following order—

39 first, from any number specifically authorized for the agency
40 by this section (except subsection (c)(8) and (9)); and

41 second, from the maximum number of positions authorized

by subsection (a) of this section irrespective of the agency to which the positions are allocated.

§ 5109. Positions classified by statute

(a) The position held by an employee of the Department of Agriculture while he, under section 450d of title 7, is designated and vested with a delegated regulatory function or part thereof shall be classified in accordance with this chapter, but not lower than GS-14.

(b) The position held by the employee appointed under section 1104(a) (2) of this title to have such functions and duties with respect to retirement, life insurance, and health benefits programs as the Civil Service Commission may prescribe is classified at GS-18, and is in addition to the number of positions authorized by section 5108(a) of this title.

(c) Each of the following positions on the police force authorized for the National Zoological Park by section 193n of title 40 is classified as follows:

(1) Private—GS-5.

(2) Sergeant—GS-6.

(3) Lieutenant—GS-7.

(4) Captain—GS-8.

§ 5110. Review of classification of positions

(a) The Civil Service Commission, from time to time, shall review such number of positions in each agency as will enable the Commission to determine whether the agency is placing positions in classes and grades in conformance with or consistently with published standards.

(b) When the Commission finds under subsection (a) of this section that a position is not placed in its proper class and grade in conformance with published standards or that a position for which there is no published standard is not placed in the class and grade consistently with published standards, it shall, after consultation with appropriate officials of the agency concerned, place the position in its appropriate class and grade and shall certify this action to the agency. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.

§ 5111. Revocation and restoration of authority to classify positions

(a) When the Civil Service Commission finds that an agency is not placing positions in classes and grades in conformance with or consistently with published standards, it may revoke or suspend the

1 authority granted to the agency by section 5107 of this title and require
 2 that prior approval of the Commission be secured before an action
 3 placing a position in a class and grade becomes effective for payroll and
 4 other personnel purposes. The Commission may limit the revocation
 5 or suspension to—

- 6 (1) the departmental or field service, or any part thereof;
- 7 (2) a geographic area;
- 8 (3) an organization unit or group of organization units;
- 9 (4) certain types of classification actions;
- 10 (5) classes in particular occupational groups or grades; or
- 11 (6) classes for which standards have not been published.

12 (b) After revocation or suspension, the Commission may restore
 13 the authority to the extent that it is satisfied that later actions placing
 14 positions in classes and grades will be in conformance with or con-
 15 sistent with published standards.

16 **§ 5112. General authority of the Civil Service Commission**

17 (a) Notwithstanding section 5107 of this title, the Civil Service
 18 Commission may—

- 19 (1) ascertain currently the facts as to the duties, responsibili-
 20 ties, and qualification requirements of a position;
- 21 (2) place in an appropriate class and grade a newly created
 22 position or a position coming initially under this chapter;
- 23 (3) decide whether a position is in its appropriate class and
 24 grade; and
- 25 (4) change a position from one class or grade to another class
 26 or grade when the facts warrant.

27 The Commission shall certify to the agency concerned its action under
 28 paragraph (2) or (4) of this subsection. The agency shall act in
 29 accordance with the certificate, and the certificate is binding on all
 30 administrative, certifying, payroll, disbursing, and accounting officials.

31 (b) An employee affected or an agency may request at any time that
 32 the Commission exercise the authority granted to it by subsection (a)
 33 of this section and the Commission shall act on the request.

34 **§ 5113. Classification records**

35 The Civil Service Commission may—

- 36 (1) prescribe the form in which each agency shall record the
 37 duties and responsibilities of positions and the places where these
 38 records shall be maintained;
- 39 (2) examine these or other pertinent records of the agency; and
- 40 (3) interview employees of the agency who have knowledge of
 41 the duties and responsibilities of positions and information as to

the reasons for placing a position in a class or grade.

§ 5114. Reports; positions in GS-16, 17, and 18

(a) The Civil Service Commission, with respect to positions under section 5108(a) of this title, the head of the agency concerned, with respect to positions under sections 5108 (b), (c) and 5109(b) of this title, and the appropriate authority, with respect to positions under jurisdiction of the authority which are allocated to or placed in GS-16, 17, and 18, including positions so allocated or placed on a temporary or present incumbency basis, under reorganization plan or statute, except sections 5108 and 5109 of this title, shall submit, so long as the reorganization plan or statute remains in effect, to Congress, not later than February 1 of each year, a report setting forth—

(1) the total number of positions allocated to or placed in all these grades during the immediately preceding calendar year, the total number of positions allocated to or placed in each of these grades during the immediately preceding calendar year, and the total number of these positions in existence during the immediately preceding calendar year and the grades to or in which the total number of positions in existence are allocated or placed;

(2) the name, rate of pay, and description of the qualifications of the incumbent of each of these positions, together with the position title and a statement of the duties and responsibilities performed by the incumbent;

(3) the position or positions in or outside the Government of the United States held by each of these incumbents, and his rate or rates of pay, during the 5-year period immediately preceding the date of his appointment to the position; and

(4) such other information as the Commission, the head of the agency, or other appropriate authority submitting the report may consider appropriate or as may be required by Congress or a committee thereof.

This subsection does not require the resubmission of information required by paragraphs (2) and (3) of this subsection which has been reported under this subsection and which remains unchanged.

(b) When the Commission, the head of the agency, or other appropriate authority considers full public disclosure of any or all of the items specified by subsection (a) of this section to be detrimental to the national security, the Commission, the head of the agency, or authority may—

(1) omit from the annual report those items with respect to

- 1 which full public disclosure is found to be detrimental to the
 2 national security;
 3 (2) inform Congress of the omission; and
 4 (3) at the request of the Congressional committee to which the
 5 report is referred, present all information concerning those items.

6 **§ 5115. Regulations**

- 7 The Civil Service Commission may prescribe regulations necessary
 8 for the administration of this chapter, except sections 5109 and 5114.

9 **CHAPTER 53—PAY RATES AND SYSTEMS**

10 **SUBCHAPTER I—PAY COMPARABILITY SYSTEM**

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SUBCHAPTER I—PAY COMPARABILITY SYSTEM

§ 5301. Policy.

It is the policy of Congress that Federal pay fixing be based on the principles that—

(1) there be equal pay for substantially equal work, and pay distinctions be maintained in keeping with work and performance distinctions; and

(2) Federal pay rates be comparable with private enterprise pay rates for the same levels of work.

Pay levels for the several Federal statutory pay systems shall be inter-related, and pay levels shall be set and adjusted in accordance with these principles.

§ 5302. Annual reports on pay comparability

In order to carry out the policy stated by section 5301 of this title, the President shall—

(1) direct such agency as he considers appropriate, to prepare and submit to him annually a report which compares the rates of pay fixed by statute for employees with the rates of pay paid for the same levels of work in private enterprise as determined on the basis of appropriate annual surveys conducted by the Bureau of Labor Statistics; and

(2) after seeking the views of such employee organizations as he considers appropriate and in such manner as he may provide, report annually to Congress—

(A) this comparison of Federal and private enterprise pay rates; and

(B) such recommendations for revision of statutory pay schedules, pay structures, and pay policy, as he considers advisable.

§ 5303. Higher minimum rates; Presidential authority

(a) When the President finds that the pay rates in private enterprise for one or more occupations in one or more areas or locations are so substantially above the pay rates of statutory pay schedules as to handicap significantly the Government's recruitment or retention of well-qualified individuals in positions paid under—

(1) section 5332 of this title;

(2) the provisions of part III of title 39 relating to employees in the postal field service;

(3) the pay scales for physicians, dentists, and nurses in the Department of Medicine and Surgery, Veterans' Administration, under chapter 73 of title 38; or

1 (4) sections 867 and 870 of title 22;
 2 he may establish for the areas or locations higher minimum rates
 3 of basic pay for one or more grades or levels, occupational groups,
 4 series, classes, or subdivisions thereof, and may make corresponding
 5 increases in all step rates of the pay range for each such grade or
 6 level. However, a minimum rate so established may not exceed the
 7 seventh pay rate prescribed by statute for the grade or level. The
 8 President may authorize the exercise of the authority conferred on
 9 him by this section by the Civil Service Commission or, in the case
 10 of individuals not subject to the provisions of this title governing
 11 appointment in the competitive service, by such other agency as he
 12 may designate.

13 (b) Within the limitations of subsection (a) of this section, rates
 14 of basic pay established under that subsection may be revised from
 15 time to time by the President or by such agency as he may designate.
 16 The actions and revisions have the force and effect of statute.

17 (c) An increase in rate of basic pay established under this section
 18 is not an equivalent increase in pay within the meaning of section
 19 5335 of this title and section 3552 of title 39.

20 (d) The rate of basic pay, established under this section, and re-
 21 ceived by an individual immediately before the effective date of a
 22 statutory increase in the pay schedules of the pay systems specified in
 23 subsection (a) of this section shall be initially adjusted on the effective
 24 date of the new pay schedules under conversion regulations prescribed
 25 by the President or by such agency as he may designate.

26 **§ 5304. Presidential policies and regulations**

27 The functions, duties, and regulations of the agencies and the Civil
 28 Service Commission with respect to this subchapter, subchapter III of
 29 this chapter, chapter 51 of this title, the provisions of part III of title
 30 39 relating to employees in the postal field service, chapter 14 of title
 31 22, and the provisions of chapter 73 of title 38 relating to employees in
 32 the Department of Medicine and Surgery, Veterans' Administration,
 33 are subject to such policies and regulations as the President may pre-
 34 scribe. Among other things, the policies and regulations of the Presi-
 35 dent may provide for—

- 36 (1) preparing and reporting to him the annual comparison of
- 37 Federal pay rates with private enterprise rates;
- 38 (2) obtaining and reporting to him the views of employee
- 39 organizations on the annual comparison, and on other pay matters;
- 40 (3) reviewing and reporting to him on the adequacy of the

Federal statutory pay structures for the Federal programs to which they apply;

(4) reviewing the relationship of Federal statutory pay rates and private enterprise pay rates in specific occupation and local areas; and

(5) providing step-increases in recognition of high quality performance and providing for properly relating supervisory pay rates paid under one system to those of subordinates paid under another system.

SUBCHAPTER II—EXECUTIVE SCHEDULE PAY RATES

§ 5311. The Executive Schedule

The Executive Schedule, which is divided into five pay levels, is the basic pay schedule for positions to which this subchapter applies.

§ 5312. Positions at level I

Level I of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is \$35,000:

- (1) Secretary of State.
- (2) Secretary of the Treasury.
- (3) Secretary of Defense.
- (4) Attorney General.
- (5) Postmaster General.
- (6) Secretary of the Interior.
- (7) Secretary of Agriculture.
- (8) Secretary of Commerce.
- (9) Secretary of Labor.
- (10) Secretary of Health, Education, and Welfare.

§ 5313. Positions at level II

Level II of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is \$30,000:

- (1) Deputy Secretary of Defense.
- (2) Under Secretary of State.
- (3) Administrator, Agency for International Development.
- (4) Administrator of the National Aeronautics and Space Administration.
- (5) Administrator of Veterans' Affairs.
- (6) Administrator of the Housing and Home Finance Agency.
- (7) Administrator of the Federal Aviation Agency.
- (8) Chairman, Atomic Energy Commission.
- (9) Chairman, Council of Economic Advisers.
- (10) Chairman, Board of Governors of the Federal Reserve System.

- 1 (11) Director of the Bureau of the Budget.
- 2 (12) Director of the Office of Science and Technology.
- 3 (13) Director of the United States Arms Control and Dis-
- 4 armament Agency.
- 5 (14) Director of the United States Information Agency.
- 6 (15) Director of Central Intelligence.
- 7 (16) Secretary of the Air Force.
- 8 (17) Secretary of the Army.
- 9 (18) Secretary of the Navy.

10 **§ 5314. Positions at level III**

11 Level III of the Executive Schedule applies to the following posi-
 12 tions, for which the annual rate of basic pay is \$28,500:

- 13 (1) Deputy Attorney General.
- 14 (2) Solicitor General of the United States.
- 15 (3) Deputy Postmaster General.
- 16 (4) Under Secretary of Agriculture.
- 17 (5) Under Secretary of Commerce.
- 18 (6) Under Secretary of Commerce for Transportation.
- 19 (7) Under Secretary of Health, Education, and Welfare.
- 20 (8) Under Secretary of the Interior.
- 21 (9) Under Secretary of Labor.
- 22 (10) Under Secretary of State for Political Affairs or Under
- 23 Secretary of State for Economic Affairs.
- 24 (11) Under Secretary of the Treasury.
- 25 (12) Under Secretary of the Treasury for Monetary Affairs.
- 26 (13) Administrator of General Services.
- 27 (14) Administrator of the Small Business Administration.
- 28 (15) Deputy Administrator of Veterans' Affairs.
- 29 (16) Deputy Administrator, Agency for International Devel-
- 30 opment.
- 31 (17) Chairman, Civil Aeronautics Board.
- 32 (18) Chairman of the United States Civil Service Commission.
- 33 (19) Chairman, Federal Communications Commission.
- 34 (20) Chairman, Board of Directors, Federal Deposit Insur-
- 35 ance Corporation.
- 36 (21) Chairman of the Federal Home Loan Bank Board.
- 37 (22) Chairman, Federal Power Commission.
- 38 (23) Chairman, Federal Trade Commission.
- 39 (24) Chairman, Interstate Commerce Commission.
- 40 (25) Chairman, National Labor Relations Board.

- 1 (26) Chairman, Securities and Exchange Commission.
- 2 (27) Chairman, Board of Directors of the Tennessee Valley
- 3 Authority.
- 4 (28) Chairman, National Mediation Board.
- 5 (29) Chairman, Railroad Retirement Board.
- 6 (30) Chairman, Federal Maritime Commission.
- 7 (31) Comptroller of the Currency.
- 8 (32) Commissioner of Internal Revenue.
- 9 (33) Director of Defense Research and Engineering, Depart-
- 10 ment of Defense.
- 11 (34) Deputy Administrator of the National Aeronautics and
- 12 Space Administration.
- 13 (35) Deputy Director of the Bureau of the Budget.
- 14 (36) Deputy Director of Central Intelligence.
- 15 (37) Director of the Office of Emergency Planning.
- 16 (38) Director of the Peace Corps.
- 17 (39) Chief Medical Director in the Department of Medicine
- 18 and Surgery, Veterans' Administration.
- 19 (40) Director of the National Science Foundation.
- 20 (41) Deputy Administrator of the Housing and Home Finance
- 21 Agency.
- 22 (42) President of the Export-Import Bank of Washington.
- 23 (43) Members, Atomic Energy Commission.
- 24 (44) Members, Board of Governors of the Federal Reserve
- 25 System.
- 26 (45) Director of the Federal Bureau of Investigation, Depart-
- 27 ment of Justice.

28 § 5315. Positions at level IV

29 Level IV of the Executive Schedule applies to the following posi-
 30 tions, for which the annual rate of basic pay is \$27,000 :

- 31 (1) Administrator, Bureau of Security and Consular Affairs,
- 32 Department of State.
- 33 (2) Deputy Administrator of the Federal Aviation Agency.
- 34 (3) Deputy Administrator of General Services.
- 35 (4) Associate Administrator of the National Aeronautics and
- 36 Space Administration.
- 37 (5) Assistant Administrators, Agency for International De-
- 38 velopment (6).
- 39 (6) Regional Assistant Administrators, Agency for Interna-
- 40 tional Development (4).

- 1 (7) Under Secretary of the Air Force.
- 2 (8) Under Secretary of the Army.
- 3 (9) Under Secretary of the Navy.
- 4 (10) Deputy Under Secretaries of State (2).
- 5 (11) Assistant Secretaries of Agriculture (3).
- 6 (12) Assistant Secretaries of Commerce (4).
- 7 (13) Assistant Secretaries of Defense (7).
- 8 (14) Assistant Secretaries of the Air Force (3).
- 9 (15) Assistant Secretaries of the Army (3).
- 10 (16) Assistant Secretaries of the Navy (3).
- 11 (17) Assistant Secretaries of Health, Education, and Welfare
- 12 (2).
- 13 (18) Assistant Secretaries of the Interior (4).
- 14 (19) Assistant Attorneys General (9).
- 15 (20) Assistant Secretaries of Labor (4).
- 16 (21) Assistant Postmasters General (5).
- 17 (22) Assistant Secretaries of State (11).
- 18 (23) Assistant Secretaries of the Treasury (4).
- 19 (24) Chairman of the United States Tariff Commission.
- 20 (25) Commissioner, Community Facilities Administration.
- 21 (26) Commissioner, Federal Housing Administration.
- 22 (27) Commissioner, Public Housing Administration.
- 23 (28) Commissioner, Urban Renewal Administration.
- 24 (29) Director of Civil Defense, Department of the Army.
- 25 (30) Director of the Federal Mediation and Conciliation
- 26 Service.
- 27 (31) Deputy Chief Medical Director in the Department of
- 28 Medicine and Surgery, Veterans' Administration.
- 29 (32) Deputy Director of the Office of Emergency Planning.
- 30 (33) Deputy Director of the Office of Science and Technology.
- 31 (34) Deputy Director of the Peace Corps.
- 32 (35) Deputy Director of the United States Arms Control and
- 33 Disarmament Agency.
- 34 (36) Deputy Director of the United States Information
- 35 Agency.
- 36 (37) Assistant Directors of the Bureau of the Budget (3).
- 37 (38) General Counsel of the Department of Agriculture.
- 38 (39) General Counsel of the Department of Commerce.
- 39 (40) General Counsel of the Department of Defense.
- 40 (41) General Counsel of the Department of Health, Educa-
- 41 tion, and Welfare.

- (42) Solicitor of the Department of the Interior.
- (43) Solicitor of the Department of Labor.
- (44) General Counsel of the National Labor Relations Board.
- (45) General Counsel of the Post Office Department.
- (46) Counselor of the Department of State.
- (47) Legal Adviser of the Department of State.
- (48) General Counsel of the Department of the Treasury.
- (49) First Vice President of the Export-Import Bank of Washington.
- (50) General Manager of the Atomic Energy Commission.
- (51) Governor of the Farm Credit Administration.
- (52) Inspector General, Foreign Assistance.
- (53) Deputy Inspector General, Foreign Assistance.
- (54) Members, Civil Aeronautics Board.
- (55) Members, Council of Economic Advisers.
- (56) Members, Board of Directors of the Export-Import Bank of Washington.
- (57) Members, Federal Communications Commission.
- (58) Member, Board of Directors of the Federal Deposit Insurance Corporation.
- (59) Members, Federal Home Loan Bank Board.
- (60) Members, Federal Power Commission.
- (61) Members, Federal Trade Commission.
- (62) Members, Interstate Commerce Commission.
- (63) Members, National Labor Relations Board.
- (64) Members, Securities and Exchange Commission.
- (65) Members, Board of Directors of the Tennessee Valley Authority.
- (66) Members, United States Civil Service Commission.
- (67) Members, Federal Maritime Commission.
- (68) Members, National Mediation Board.
- (69) Members, Railroad Retirement Board.
- (70) Director of Selective Service.
- (71) Associate Director of the Federal Bureau of Investigation, Department of Justice.

§ 5316. Positions at level V

Level V of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is \$26,000:

- (1) Administrator, Agricultural Marketing Service, Department of Agriculture.

- 1 (2) Administrator, Agricultural Research Service, Department
2 of Agriculture.
- 3 (3) Administrator, Agricultural Stabilization and Conserva-
4 tion Service, Department of Agriculture.
- 5 (4) Administrator, Farmers Home Administration.
- 6 (5) Administrator, Foreign Agricultural Service, Department
7 of Agriculture.
- 8 (6) Administrator, Rural Electrification Administration, De-
9 partment of Agriculture.
- 10 (7) Administrator, Soil Conservation Service, Department of
11 Agriculture.
- 12 (8) Administrator, Bonneville Power Administration, Depart-
13 ment of the Interior.
- 14 (9) Administrator of the National Capital Transportation
15 Agency.
- 16 (10) Administrator of the Saint Lawrence Seaway Develop-
17 ment Corporation.
- 18 (11) Deputy Administrators of the Small Business Adminis-
19 tration (4).
- 20 (12) Associate Administrator for Administration, Federal
21 Aviation Agency.
- 22 (13) Associate Administrator for Development, Federal Avia-
23 tion Agency.
- 24 (14) Associate Administrator for Programs, Federal Aviation
25 Agency.
- 26 (15) Associate Administrator for Advanced Research and
27 Technology, National Aeronautics and Space Administration.
- 28 (16) Associate Administrator for Space Science and Applica-
29 tions, National Aeronautics and Space Administration.
- 30 (17) Associate Administrator for Manned Space Flight, Na-
31 tional Aeronautics and Space Administration.
- 32 (18) Associate Deputy Administrator, National Aeronautics
33 and Space Administration.
- 34 (19) Deputy Associate Administrator, National Aeronautics
35 and Space Administration.
- 36 (20) Associate Deputy Administrator of Veterans' Affairs.
- 37 (21) Archivist of the United States.
- 38 (22) Area Redevelopment Administrator, Department of Com-
39 merce.
- 40 (23) Assistant Secretary of Agriculture for Administration.

1 (24) Assistant Secretary of Health, Education, and Welfare
2 for Administration.

3 (25) Assistant Secretary of the Interior for Administration.

4 (26) Assistant Attorney General for Administration.

5 (27) Assistant Secretary of Labor for Administration.

6 (28) Assistant Secretary of the Treasury for Administration.

7 (29) Assistant General Manager, Atomic Energy Commission.

8 (30) Assistant and Science Adviser to the Secretary of the
9 Interior.

10 (31) Chairman, Foreign Claims Settlement Commission of
11 the United States.

12 (32) Chairman of the Military Liaison Committee to the
13 Atomic Energy Commission, Department of Defense.

14 (33) Chairman of the Renegotiation Board.

15 (34) Chairman of the Subversive Activities Control Board.

16 (35) Chief Counsel for the Internal Revenue Service, Depart-
17 ment of the Treasury.

18 (36) Chief Forester of the Forest Service, Department of Agri-
19 culture.

20 (37) Chief Postal Inspector, Post Office Department.

21 (38) Chief, Weather Bureau, Department of Commerce.

22 (39) Commissioner of Customs, Department of the Treasury.

23 (40) Commissioner, Federal Supply Service, General Services
24 Administration.

25 (41) Commissioner of Education, Department of Health, Edu-
26 cation, and Welfare.

27 (42) Commissioner of Fish and Wildlife, Department of the
28 Interior.

29 (43) Commissioner of Food and Drugs, Department of Health,
30 Education, and Welfare.

31 (44) Commissioner of Immigration and Naturalization, De-
32 partment of Justice.

33 (45) Commissioner of Indian Affairs, Department of the
34 Interior.

35 (46) Chief Commissioner, Indian Claims Commission.

36 (47) Associate Commissioners, Indian Claims Commission (2).

37 (48) Commissioner of Patents, Department of Commerce.

38 (49) Commissioner, Public Buildings Service, General Services
39 Administration.

40 (50) Commissioner of Reclamation, Department of the
41 Interior.

- 1 (51) Commissioner of Social Security, Department of Health,
2 Education, and Welfare.
- 3 (52) Commissioner of Vocational Rehabilitation, Department
4 of Health, Education, and Welfare.
- 5 (53) Commissioner of Welfare, Department of Health, Edu-
6 cation, and Welfare.
- 7 (54) Director, Advanced Research Projects Agency, Depart-
8 ment of Defense.
- 9 (55) Director of Agricultural Economics, Department of Agri-
10 culture.
- 11 (56) Director, Bureau of the Census, Department of Commerce.
- 12 (57) Director, Bureau of Mines, Department of the Interior.
- 13 (58) Director, Bureau of Prisons, Department of Justice.
- 14 (59) Director, Geological Survey, Department of the Interior.
- 15 (60) Director, Office of Research and Engineering, Post Office
16 Department.
- 17 (61) Director, National Bureau of Standards, Department of
18 Commerce.
- 19 (62) Director of Regulation, Atomic Energy Commission.
- 20 (63) Director of Science and Education, Department of Agri-
21 culture.
- 22 (64) Deputy Under Secretary for Monetary Affairs, Depart-
23 ment of the Treasury.
- 24 (65) Deputy Commissioner of Internal Revenue, Department
25 of the Treasury.
- 26 (66) Deputy Director, National Science Foundation.
- 27 (67) Deputy Director, Policy and Plans, United States Infor-
28 mation Agency.
- 29 (68) Deputy General Counsel, Department of Defense.
- 30 (69) Deputy General Manager, Atomic Energy Commission.
- 31 (70) Associate Director of the Federal Mediation and Concilia-
32 tion Service.
- 33 (71) Associate Director for Volunteers, Peace Corps.
- 34 (72) Associate Director for Program Development and Opera-
35 tions, Peace Corps.
- 36 (73) Assistants to the Director of the Federal Bureau of Inves-
37 tigation, Department of Justice (2).
- 38 (74) Assistant Directors, Office of Emergency Planning (3).
- 39 (75) Assistant Directors, United States Arms Control and Dis-
40 armament Agency (4).

(76) Federal Highway Administrator, Department of Commerce.

(77) Fiscal Assistant Secretary of the Treasury.

(78) General Counsel of the Agency for International Development.

(79) General Counsel of the Department of the Air Force.

(80) General Counsel of the Department of the Army.

(81) General Counsel of the Atomic Energy Commission.

(82) General Counsel of the Federal Aviation Agency.

(83) General Counsel of the Housing and Home Finance Agency.

(84) General Counsel of the Department of the Navy.

(85) General Counsel of the United States Arms Control and Disarmament Agency.

(86) General Counsel of the National Aeronautics and Space Administration.

(87) Governor of the Canal Zone.

(88) Manpower Administrator, Department of Labor.

(89) Maritime Administrator, Department of Commerce.

(90) Members, Foreign Claims Settlement Commission of the United States.

(91) Members, Renegotiation Board.

(92) Members, Subversive Activities Control Board.

(93) Members, United States Tariff Commission.

(94) President of the Federal National Mortgage Association.

(95) Special Assistant to the Secretary (Health and Medical Affairs), Department of Health, Education, and Welfare.

(96) Deputy Directors of Defense Research and Engineering, Department of Defense (4).

(97) Assistant Administrator of General Services.

(98) Director, United States Travel Service, Department of Commerce.

(99) Executive Director of the United States Civil Service Commission.

§ 5317. Presidential authority to place positions at levels IV and V

In addition to the positions listed in sections 5315 and 5316 of this title, the President, from time to time, may place in levels IV and V of the Executive Schedule positions held by not to exceed 30 individuals when he considers that action necessary to reflect changes in organization, management responsibilities, or workload in an Executive

1 agency. Such an action with respect to a position to which appoint-
2 ment is made by the President by and with the advice and consent of
3 the Senate is effective only at the time of a new appointment to the
4 position. Notice of each action taken under this section shall be pub-
5 lished in the Federal Register, except when the President determines
6 that the publication would be contrary to the interest of national secu-
7 rity. The President may not take action under this section with
8 respect to a position the pay for which is fixed at a specific rate by this
9 subchapter or by statute enacted after August 14, 1964.

10 **SUBCHAPTER III—GENERAL SCHEDULE PAY RATES**

11 **§ 5331. Definitions; application**

12 (a) For the purpose of this subchapter, “agency”, “employee”,
13 “position”, “class”, and “grade” have the meanings given them by
14 section 5102 of this title.

15 (b) This subchapter applies to employees and positions to which
16 chapter 51 of this title applies.

17 **§ 5332. The General Schedule**

18 (a) The General Schedule, the symbol for which is “GS”, is the
19 basic pay schedule for positions to which this subchapter applies.
20 Each employee to whom this subchapter applies is entitled to basic
21 pay in accordance with the General Schedule.

GENERAL SCHEDULE

Grade	Annual rates and steps									
	1	2	3	4	5	6	7	8	9	10
GS-1-----	\$3,385	\$3,500	\$3,615	\$3,730	\$3,845	\$3,960	\$4,075	\$4,190	\$4,305	\$4,420
GS-2-----	3,680	3,805	3,930	4,055	4,180	4,305	4,430	4,555	4,680	4,805
GS-3-----	4,005	4,140	4,275	4,410	4,545	4,680	4,815	4,950	5,085	5,220
GS-4-----	4,480	4,630	4,780	4,930	5,080	5,230	5,380	5,530	5,680	5,830
GS-5-----	5,000	5,165	5,330	5,495	5,660	5,825	5,990	6,155	6,320	6,485
GS-6-----	5,505	5,690	5,875	6,060	6,245	6,430	6,615	6,800	6,985	7,170
GS-7-----	6,050	6,250	6,450	6,650	6,850	7,050	7,250	7,450	7,650	7,850
GS-8-----	6,630	6,850	7,070	7,290	7,510	7,730	7,950	8,170	8,390	8,610
GS-9-----	7,220	7,465	7,710	7,955	8,200	8,445	8,690	8,935	9,180	9,425
GS-10-----	7,900	8,170	8,440	8,710	8,980	9,250	9,520	9,790	10,060	10,330
GS-11-----	8,650	8,945	9,240	9,535	9,830	10,125	10,420	10,715	11,010	11,305
GS-12-----	10,250	10,605	10,960	11,315	11,670	12,025	12,380	12,735	13,090	13,445
GS-13-----	12,075	12,495	12,915	13,335	13,755	14,175	14,595	15,015	15,435	15,855
GS-14-----	14,170	14,660	15,150	15,640	16,130	16,620	17,110	17,600	18,090	18,580
GS-15-----	16,460	17,030	17,600	18,170	18,740	19,310	19,880	20,450	21,020	21,590
GS-16-----	18,935	19,590	20,245	20,900	21,555	22,210	22,865	23,520	24,175	-----
GS-17-----	21,445	22,195	22,945	23,695	24,445	-----	-----	-----	-----	-----
GS-18-----	24,500	-----	-----	-----	-----	-----	-----	-----	-----	-----

22 (b) When payment is made on the basis of an hourly, daily, weekly,
23 or biweekly rate, the rate is computed from the appropriate annual
24 rate of basic pay named by subsection (a) of this section in accordance
25 with the rules prescribed by section 5504(b) of this title.

26 **§ 5333. Minimum rate for new appointments; higher rates for**
27 **supervisors of wage-board employees**

28 (a) New appointments shall be made at the minimum rate of the
29 appropriate grade. However, under regulations prescribed by the
30 Civil Service Commission which provide for such considerations as

the existing pay or unusually high or unique qualifications of the candidate, or a special need of the Government for his services, the head of an agency may appoint, with the approval of the Commission in each specific case, an individual to a position in GS-13 or above at such a rate above the minimum rate of the appropriate grade as the Commission may authorize for this purpose. The approval of the Commission in each specific case is not required with respect to an appointment made by the Librarian of Congress.

(b) Under regulations prescribed by the Civil Service Commission, an employee in a position to which this subchapter applies, who regularly has responsibility for supervision (including supervision over the technical aspects of the work concerned) over employees whose pay is fixed and adjusted from time to time by wage boards or similar administrative authority as nearly as is consistent with the public interest in accordance with prevailing rates, may be paid at one of the rates for his grade which is above the highest rate of basic pay being paid to any such prevailing-rate employee regularly supervised, or at the maximum rate for his grade, as provided by the regulations.

§ 5334. Rate on change of position or type of appointment; regulations

(a) The rate of basic pay to which an employee is entitled is governed by regulations prescribed by the Civil Service Commission in conformity with this subchapter and chapter 51 of this title when—

(1) he is transferred from a position in the legislative, judicial, or executive branch to which this subchapter does not apply;

(2) he is transferred from a position in the legislative, judicial, or executive branch to which this subchapter applies to another such position;

(3) he is demoted to a position in a lower grade;

(4) he is reinstated, reappointed, or reemployed in a position to which this subchapter applies following service in any position in the legislative, judicial, or executive branch;

(5) his type of appointment is changed;

(6) his employment status is otherwise changed; or

(7) his position is changed from one grade to another grade.

(b) An employee who is promoted or transferred to a position in a higher grade is entitled to basic pay at the lowest rate of the higher grade which exceeds his existing rate of basic pay by not less than two step-increases of the grade from which he is promoted or transferred. If, in the case of an employee so promoted or trans-

ferred who is receiving basic pay at a rate in excess of the maximum rate of his grade, there is no rate in the higher grade which is at least two step-increases above his existing rate of basic pay, he is entitled to—

(1) the maximum rate of the higher grade; or

(2) his existing rate of basic pay, if that rate is the higher.

If an employee so promoted or transferred is receiving basic pay at a rate saved to him under section 5337 of this title on reduction in grade, he is entitled to—

(A) basic pay at a rate two steps above the rate which he would be receiving if section 5337 of this title were not applicable to him; or

(B) his existing rate of basic pay, if that rate is the higher.

(c) An employee in the legislative branch who is paid by the Secretary of the Senate or the Clerk of the House of Representatives, and who has completed two or more years of service as such an employee, and a Member of the Senate or House of Representatives who has completed two or more years of service as such a Member, may, on appointment to a position to which this subchapter applies, have his initial rate of pay fixed—

(1) at the minimum rate of the appropriate grade; or

(2) at a step of the appropriate grade that does not exceed the highest previous rate of pay received by him during that service in the legislative branch.

(d) The Commission may prescribe regulations governing the retention of the rate of basic pay of an employee who together with his position is brought under this subchapter and chapter 51 of this title. If an employee so entitled to a retained rate under these regulations is later demoted to a position under this subchapter and chapter 51 of this title, his rate of basic pay is determined under section 5337 of this title. However, for the purpose of section 5337 of this title, service in the position which was brought under this subchapter and chapter 51 of this title is deemed service under this subchapter and chapter 51 of this title.

(e) The rate of pay established for a teaching position as defined by section 901 of title 20 held by an individual who becomes subject to subsection (a) of this section is deemed increased by 20 percent to determine the yearly rate of pay of the position.

§ 5335. Periodic step-increases

(a) An employee paid on an annual basis, and occupying a perma-

1 nent position within the scope of the General Schedule, who has not
 2 reached the maximum rate of pay for the grade in which his position
 3 is placed, shall be advanced in pay successively to the next higher
 4 rate within the grade at the beginning of the next pay period follow-
 5 ing the completion of—

6 (1) each 52 calendar weeks of service in pay rates 1, 2, and 3;

7 (2) each 104 calendar weeks of service in pay rates 4, 5, and

8 6; or

9 (3) each 156 calendar weeks of service in pay rates 7, 8, and 9;

10 subject to the following conditions:

11 (A) the employee did not receive an equivalent increase in
 12 pay from any cause during that period; and

13 (B) the work of the employee, except a hearing examiner
 14 appointed under section 3105 of this title, is of an acceptable
 15 level of competence as determined by the head of the agency.

16 (b) Under regulations prescribed by the Civil Service Commis-
 17 sion, the benefit of successive step-increases shall be preserved for
 18 employees whose continuous service is interrupted in the public interest
 19 by service with the armed forces or by service in essential non-
 20 Government civilian employment during a period of war or national
 21 emergency.

22 (c) An increase in pay granted by statute is not an equivalent in-
 23 crease in pay within the meaning of subsection (a) of this section.

24 (d) This section does not apply to the pay of an individual ap-
 25 pointed by the President, by and with the advice and consent of the
 26 Senate.

27 § 5336. Additional step-increases

28 (a) Within the limit of available appropriations and under regu-
 29 lations prescribed by the Civil Service Commission, the head of each
 30 agency may grant additional step-increases in recognition of high
 31 quality performance above that ordinarily found in the type of posi-
 32 tion concerned. However, an employee is eligible under this section
 33 for only one additional step-increase within any 52-week period.

34 (b) A step-increase under this section is in addition to those under
 35 section 5335 of this title and is not an equivalent increase in pay
 36 within the meaning of section 5335(a) of this title.

37 (c) This section does not apply to the pay of an individual ap-
 38 pointed by the President, by and with the advice and consent of the
 39 Senate.

1 **§ 5337. Pay saving**

2 (a) Subject to the limitation in subsection (b) of this section, an
3 employee—

4 (1) who is reduced in grade from a grade of the General
5 Schedule;

6 (2) who holds a career or career-conditional appointment in
7 the competitive service, or an appointment of equivalent tenure in
8 the excepted service or in the government of the District of
9 Columbia;

10 (3) whose reduction in grade is not (A) caused by a demotion
11 for personal cause, (B) at his request, (C) effected in a reduc-
12 tion in force due to lack of funds or curtailment of work, or
13 (D) with respect to a temporary promotion occurring after Sep-
14 tember 20, 1961, a condition of the temporary promotion to a
15 higher grade;

16 (4) who, for 2 continuous years immediately before the reduc-
17 tion in grade, served (A) in the same agency and (B) in a grade
18 or grades higher than the grade to which demoted; and

19 (5) whose work performance during the 2-year period is satis-
20 factory or better;

21 is entitled to basic pay at the rate to which he was entitled immediately
22 before the reduction in grade (including each increase in rate of basic
23 pay provided by statute) for a period of 2 years from the effective date
24 of the reduction in grade, so long as he—

25 (A) continues in the same agency without a break in service of
26 one workday or more;

27 (B) is not entitled to a higher rate of basic pay by operation
28 of this subchapter or chapter 51 of this title; and

29 (C) is not demoted or reassigned (i) for personal cause, (ii)
30 at his request, or (iii) in a reduction in force due to lack of funds
31 or curtailment of work.

32 (b) The rate of basic pay to which an employee is entitled under
33 subsection (a) of this section with respect to each reduction in grade
34 to which this section applies may not exceed the sum of—

35 (1) the minimum rate of the grade to which he is reduced
36 under each reduction in grade to which this section applies (in-
37 cluding each increase in rate of basic pay provided by statute);
38 and

39 (2) the difference between his rate immediately before the first
40 reduction in grade to which this section applies (including each
41 increase in rate of basic pay provided by statute) and the mini-

1 mum rate of that grade which is three grades lower than the
 2 grade from which he was reduced under the first of the reductions
 3 in grade (including each increase in the rate of basic pay provided
 4 by statute).

5 **§ 5338. Regulations**

6 The Civil Service Commission may prescribe regulations necessary
 7 for the administration of this subchapter.

8 SUBCHAPTER IV—PREVAILING RATE SYSTEMS

9 **§ 5341. Trades and crafts**

10 (a) The pay of employees excepted from chapter 51 of this title by
 11 section 5102 (c) (7) of this title shall be fixed and adjusted from time
 12 to time as nearly as is consistent with the public interest in accordance
 13 with prevailing rates.

14 (b) When the Civil Service Commission concurs in a finding by the
 15 employing agency that in a given area the number of employees to
 16 whom this section applies is so few as to make prevailing rate deter-
 17 minations impracticable, these employees are subject to the provisions
 18 of subchapter III of this chapter and chapter 51 of this title which
 19 are applicable to positions of equivalent difficulty or responsibility.

20 **§ 5342. Crews of vessels**

21 (a) Except as provided by subsection (b) of this section, the pay of
 22 officers and members of crews of vessels excepted from chapter 51 of
 23 this title by section 5102(c) (8) of this title shall be fixed and adjusted
 24 from time to time as nearly as is consistent with the public interest
 25 in accordance with prevailing rates and practices in the maritime
 26 industry.

27 (b) Vessel employees of the Panama Canal Company may be paid
 28 in accordance with the wage practices of the maritime industry.

29 **§ 5343. Effective date of pay increase**

30 Each increase in rates of basic pay granted, pursuant to a wage
 31 survey, to employees whose pay is fixed and adjusted under section
 32 5341 of this title is effective, as follows:

33 (1) If the wage survey is made by an agency, either alone or
 34 with another agency, with respect to its own employees, the in-
 35 crease is effective for its employees not later than the first day of
 36 the first pay period which begins after the 44th day, excluding
 37 Saturdays and Sundays, following the date on which the wage
 38 survey was ordered to be made.

39 (2) If the wage survey is made by an agency, either alone or
 40 with another agency, and is used by an agency which did not
 41 participate in making the survey, the increase is effective for the

employees of the agency which did not participate in the survey not later than the first day of the first pay period which begins after the 19th day, excluding Saturdays and Sundays, following the date on which the agency which did not participate receives the data collected in the survey necessary for the granting of the increase.

§ 5344. Retroactive pay

(a) Retroactive pay is payable by reason of an increase in rates of basic pay referred to in section 5343 of this title only when—

(1) the individual is in the service of the United States, including service in the armed forces, or the government of the District of Columbia on the date of the issuance of the order granting the increase; or

(2) the individual retired or died during the period beginning on the effective date of the increase and ending on the date of issuance of the order granting the increase, and only for services performed during that period.

(b) For the purpose of this section, service in the armed forces includes the period provided by statute for the mandatory restoration of the individual to a position in or under the Government of the United States or the government of the District of Columbia after he is relieved from training and service in the armed forces or discharged from hospitalization following that training and service.

SUBCHAPTER V—STUDENT-EMPLOYEES

§ 5351. Definitions

For the purpose of this subchapter—

(1) “agency” means an Executive agency, a military department, and the government of the District of Columbia; and

(2) “student-employee” means—

(A) a student nurse, medical or dental intern, resident-in-training, student dietitian, student physical therapist, and student occupational therapist, assigned or attached to a hospital, clinic, or medical or dental laboratory operated by an agency; and

(B) any other student-employee, assigned or attached primarily for training purposes to a hospital, clinic, or medical or dental laboratory operated by an agency, who is designated by the head of the agency with the approval of the Civil Service Commission.

§ 5352. Stipends

The head of each agency shall fix the stipends of his student-employees. The stipend may not exceed the applicable maximum prescribed by the Civil Service Commission.

§ 5353. Quarters subsistence, and laundry

An agency may provide living quarters, subsistence, and laundering to student-employees while at the hospitals, clinics, or laboratories. The reasonable value of the accommodations, when furnished, shall be deducted from the stipend of the student-employee. The head of the agency concerned shall fix the reasonable value of the accommodations at an amount not less than the lowest deduction applicable to regular employees at the same hospital, clinic, or laboratory for similar accommodations.

§ 5354. Effect of detail or affiliation; travel expenses

(a) Status as a student-employee is not terminated by a temporary detail to or affiliation with another Government or non-Government institution to procure necessary supplementary training or experience pursuant to an order of the head of the agency. A student-employee may receive his stipend and other perquisites provided under this subchapter from the hospital, clinic, or laboratory to which he is assigned or attached for not more than 60 days of a detail or affiliation for each training year, as defined by the head of the agency.

(b) When the detail or affiliation under subsection (a) of this section is to or with another Federal institution, the student-employee is entitled to necessary expenses of travel to and from the institution in accordance with subchapter I of chapter 57 of this title.

§ 5355. Effect on other statutes

This subchapter does not limit the authority conferred on the Administrator of Veterans' Affairs by chapter 73 of title 38.

§ 5356. Appropriations

Funds appropriated to an agency for expenses of its hospitals, clinics, and laboratories to which student-employees are assigned or attached are available to carry out the provisions of this subchapter.

SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

§ 5361. Scientific and professional positions

Subject to the approval of the Civil Service Commission, the head of the agency concerned shall fix the annual rate of basic pay for scientific and professional positions established under section 3104 of this title at not less than the minimum rate for GS-16 nor more than the maximum rate for GS-18.

1 **§ 5362. Hearing examiners**

2 Hearing examiners appointed under section 3105 of this title are
3 entitled to pay prescribed by the Civil Service Commission independ-
4 ently of agency recommendations or ratings and in accordance with
5 subchapter III of this chapter and chapter 51 of this title.

6 **§ 5363. Limitation on pay fixed by administrative action**

7 Except as provided by the Government Employees Salary Reform
8 Act of 1964 (78 Stat. 400) and notwithstanding the provisions of other
9 statutes, the head of an Executive agency or military department who
10 is authorized to fix by administrative action the annual rate of basic
11 pay for a position or employee may not fix the rate at more than the
12 maximum rate for GS-18. This section does not impair the authorities
13 provided by—

- 14 (1) section 121 of title 2, Canal Zone Code (76A Stat. 15) ;
15 (2) sections 248, 481, and 1819 of title 12;
16 (3) section 831b of title 16; or
17 (4) sections 403a-403c, 403e-403h, and 403j of title 50.

18 **§ 5364. Miscellaneous positions in the executive branch**

19 The head of the agency concerned shall fix the annual rate of basic
20 pay for each position in the executive branch specifically referred to
21 in, or covered by, a conforming change in statute made by section 305
22 of the Government employees Salary Reform Act of 1964 (78 Stat.
23 422), or other position in the executive branch for which the annual
24 pay is fixed at a rate of \$18,500 or more under special provision of
25 statute enacted before August 14, 1964, which is not placed in a level
26 of the Executive Schedule set forth in subchapter II of this chapter,
27 at a rate equal to the pay rate of a grade and step of the General Sched-
28 ule set forth in section 5332 of this title. The head of the agency con-
29 cerned shall report each action taken under this section to the Civil
30 Service Commission and publish a notice thereof in the Federal Reg-
31 ister, except when the President determines that the report and pub-
32 lication would be contrary to the interest of national security.

33 **CHAPTER 55—PAY ADMINISTRATION**

34 **SUBCHAPTER I—GENERAL PROVISIONS**

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5504. Biweekly pay periods; computation of pay.
5505. Monthly pay periods; computation of pay.
5506. Computation of extra pay based on standard or daylight saving time.
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- 5537. Fees for jury service in courts of the United States.

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- 5541. Definitions.
- 5542. Overtime rates; computation.
- 5543. Compensatory time off.
- 5544. Wage-board overtime rates; computation.
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6 SUBCHAPTER VI—PAYMENT FOR ACCUMULATED AND 7 ACCRUED LEAVE

Sec.

- 5551. Lump-sum payment for accumulated and accrued leave on separation.
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8 SUBCHAPTER VII—PAYMENTS TO MISSING 9 EMPLOYEES

Sec.

- 5561. Definitions.
- 5562. Pay and allowances; continuance while in a missing status; limitations.
- 5563. Allotments; continuance, suspension, initiation, resumption, or increase while in a missing status; limitations.
- 5564. Travel and transportation; dependents; household and personal effects; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable.
- 5565. Agency review.
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1 SUBCHAPTER VIII—SETTLEMENT OF ACCOUNTS

Sec.

5581. Definitions.

5582. Designation of beneficiary; order of precedence.

5583. Payment of money due; settlement of accounts.

2 SUBCHAPTER IX—BACK PAY

Sec.

5591. Back pay; individuals reinstated or restored after removal or suspension for cause.

5592. Back pay; preference eligibles reinstated or restored after removal, suspension, or furlough.

5593. Back pay; individuals reinstated or restored after reduction in force.

5594. Back pay; individuals reinstated or restored after suspension or removal for national security.

3 SUBCHAPTER I—GENERAL PROVISIONS

4 § 5501. Disposition of money accruing from lapsed salaries or un- 5 used appropriations for salaries

6 Money accruing from lapsed salaries or from unused appropriations
7 for salaries shall be covered into the Treasury of the United States.
8 An individual who violates this section shall be removed from the
9 service.

10 § 5502. Unauthorized office; prohibition on use of funds

11 (a) Payment for services may not be made from the Treasury of
12 the United States to an individual acting or assuming to act as an
13 officer in the civil service or uniformed services in an office which is not
14 authorized by existing law, unless the office is later sanctioned by law.

15 (b) Except as otherwise provided by statute, public money and
16 appropriations may not be used for pay or allowance for an individual
17 employed by an official of the United States retired from active
18 service.

19 § 5503. Recess appointments

20 (a) Payment for services may not be made from the Treasury of
21 the United States to an individual appointed during a recess of the
22 Senate to fill a vacancy in an existing office, if the vacancy existed
23 while the Senate was in session and was by law required to be filled by
24 and with the advice and consent of the Senate, until the appointee has
25 been confirmed by the Senate. This subsection does not apply—

26 (1) if the vacancy arose within 30 days before the end of the
27 session of the Senate;

28 (2) if, at the end of the session, a nomination for the office,
29 other than the nomination of an individual appointed during the
30 preceding recess of the Senate, was pending before the Senate
31 for its advice and consent; or

32 (3) if a nomination for the office was rejected by the Senate
33 within 30 days before the end of the session and an individual

other than the one whose nomination was rejected thereafter receives a recess appointment.

(b) A nomination to fill a vacancy referred to by paragraph (1), (2), or (3) of subsection (a) of this section shall be submitted to the Senate not later than 40 days after the beginning of the next session of the Senate.

§ 5504. Biweekly pay periods; computation of pay

(a) The pay period for an employee covers two administrative workweeks. For the purpose of this subsection, "employee" means—

(1) an employee in or under an Executive agency;

(2) an employee in or under the Office of the Architect of the Capitol, the Botanic Garden, and the Library of Congress, for whom a basic administrative workweek is established under section 6101(c) of this title; and

(3) an individual employed by the government of the District of Columbia;

but does not include—

(A) an employee on the Isthmus of Panama in the service of the Canal Zone Government or the Panama Canal Company; or

(B) an employee or individual excluded from the definition of employee in section 5541(2) of this title.

(b) For pay computation purposes affecting an employee, the annual rate of basic pay established by or under statute is deemed payment for employment during 52 basic administrative workweeks of 40 hours. When it is necessary for computation of pay under this subsection to convert an annual rate of basic pay to a basic hourly, daily, weekly, or biweekly rate, the following rules govern:

(1) To derive an hourly rate, divide the annual rate by 2,080.

(2) To derive a daily rate, multiply the hourly rate by the number of daily hours of service required.

(3) To derive a weekly or biweekly rate, multiply the hourly rate by 40 or 80, as the case may be.

Rates are computed to the nearest cent, counting one-half and over as a whole cent. For the purpose of this subsection, "employee" means—

(A) an employee in or under an Executive agency;

(B) an employee in or under the judicial branch;

(C) an employee in or under the Office of the Architect of the Capitol, the Botanic Garden, and the Library of Congress, for whom a basic administrative workweek is established under section 6101(c) of this title; and

1 (D) an individual employed by the government of the District
2 of Columbia;

3 but does not include an employee or individual excluded from the
4 definition of employee in section 5541(2) of this title.

5 (c) The Civil Service Commission may prescribe regulations, sub-
6 ject to the approval of the President, necessary for the administration
7 of this section insofar as this section affects employees in or under
8 the executive branch.

9 **§ 5505. Monthly pay periods; computation of pay**

10 The pay period for an individual in the service of the United States
11 whose pay is monthly or annual covers one calendar month, and the
12 following rules for division of time and computation of pay for
13 services performed govern:

14 (1) A month's pay is one-twelfth of a year's pay.

15 (2) A day's pay is one-thirtieth of a month's pay.

16 (3) The 31st day of a calendar month is ignored in computing
17 pay, except that one day's pay is forfeited for one day's unauthor-
18 ized absence on the 31st day of a calendar month.

19 (4) For each day of the month elapsing before entering the
20 service, one day's pay is deducted from the first month's pay of
21 the individual.

22 This section does not apply to an employee whose pay is computed
23 under section 5504(b) of this title.

24 **§ 5506. Computation of extra pay based on standard or daylight**
25 **saving time**

26 When an employee as defined by section 2105 of this title or an
27 individual employed by the government of the District of Columbia
28 is entitled to extra pay for services performed between or after certain
29 named hours of the day or night, the extra pay is computed on the
30 basis of either standard or daylight saving time, depending on the
31 time observed by law, custom, or practice where the services are
32 performed.

33 **§ 5507. Officer affidavit; condition to pay**

34 An officer required by section 3332 of this title to file an affidavit
35 may not be paid until the affidavit has been filed.

36 **§ 5508. Officer entitled to leave; effect on pay status**

37 An officer in the executive branch and an officer of the government
38 of the District of Columbia to whom subchapter I of chapter 63 of this
39 title applies are not entitled to the pay of their offices solely because of
40 their status as officers.

1 § 5509. Appropriations

2 There are authorized to be appropriated sums necessary to carry
3 out the provisions of this title.

4 SUBCHAPTER II—WITHHOLDING PAY

5 § 5511. Withholding pay; employees removed for cause

6 (a) Except as provided by subsection (b) of this section, the earned
7 pay of an employee removed for cause may not be withheld or
8 confiscated.

9 (b) If an employee indebted to the United States is removed for
10 cause, the pay accruing to the employee shall be applied in whole or
11 in part to the satisfaction of any claim or indebtedness due the United
12 States.

13 § 5512. Withholding pay; individuals in arrears

14 (a) The pay of an individual in arrears to the United States shall
15 be withheld until he has accounted for and paid into the Treasury
16 of the United States all sums for which he is liable.

17 (b) When pay is withheld under subsection (a) of this section, the
18 General Accounting Office, on request of the individual, his agent, or
19 his attorney, shall report immediately to the Attorney General the
20 balance due; and the Attorney General, within 60 days, shall order suit
21 to be commenced against the individual and his sureties.

**22 § 5513. Withholding pay; credit disallowed or charge raised for
23 payment**

24 When the General Accounting Office, on a statement of the account
25 of a disbursing or certifying official of the United States, disallows
26 credit or raises a charge for a payment to an individual in or under
27 an Executive agency otherwise entitled to pay, the pay of the payee
28 shall be withheld in whole or in part until full reimbursement is
29 made under regulations prescribed by the head of the Executive
30 agency from which the payee is entitled to receive pay. This section
31 does not repeal or modify existing statutes relating to the collection
32 of the indebtedness of an accountable, certifying, or disbursing official.

**33 § 5514. Installment deduction for indebtedness because of errone-
34 ous payment**

35 (a) When the head of the agency concerned or his designee deter-
36 mines that an employee, a member of the armed forces, or a Reserve
37 of the armed forces, is indebted to the United States because of
38 an erroneous payment made by the agency to or on behalf of the
39 individual, the amount of the indebtedness may be collected in
40 monthly installments, or at officially established regular pay period

1 intervals, by deduction in reasonable amounts from the current pay
 2 account of the individual. The deductions may be made only from
 3 basic pay, special pay, incentive pay, retired pay, retainer pay, or,
 4 in the case of an individual not entitled to basic pay, other authorized
 5 pay. Collection shall be made over a period not greater than the
 6 anticipated period of active duty or employment, as the case may be.
 7 The amount deducted for any period may not exceed two-thirds of the
 8 pay from which the deduction is made, unless the deduction of a
 9 greater amount is necessary to make the collection within the period
 10 of anticipated active duty or employment. If the individual retires
 11 or if his employment or period of active duty otherwise ends before
 12 collection of the amount of the indebtedness is completed, deduction
 13 shall be made from later payments of any nature due the individual
 14 from the agency concerned.

15 (b) The head of each agency shall prescribe regulations, subject to
 16 the approval of the Director of the Bureau of the Budget, to carry
 17 out this section and section 581d of title 31. Regulations prescribed
 18 by the Secretaries of the military departments shall be uniform for
 19 the military services insofar as practicable.

20 (c) Subsection (a) of this section does not modify existing statutes
 21 which provide for forfeiture of pay or allowances. This section and
 22 section 581d of title 31 do not repeal, modify, or amend sections 4837
 23 (d) or 9837(d) of title 10 or section 1007 (b), (c) of title 37.

24 **§ 5515. Crediting amounts received for jury service in State courts**

25 An amount received by an employee as defined by section 2105 of
 26 this title or an individual employed by the government of the District
 27 of Columbia for jury service in a State court for a period during which
 28 the employee or individual is entitled to leave under section 6322 of
 29 this title shall be credited against pay payable by the United States or
 30 the District of Columbia to the employee or individual.

31 **§ 5516. Withholding District of Columbia income taxes**

32 (a) The Secretary of the Treasury, under regulations prescribed by
 33 the President, shall enter into an agreement with the Commissioners
 34 of the District of Columbia within 120 days of a request for agree-
 35 ment from the Commissioners. The agreement shall provide that
 36 the head of each agency of the United States shall comply with the
 37 requirements of subchapter II of chapter 15 of title 47, District of
 38 Columbia Code, in the case of employees of the agency who are subject
 39 to income taxes imposed by that subchapter and whose regular place
 40 of employment is within the District of Columbia. The agreement

may not apply to pay for service as a member of the armed forces, or to pay of an employee who is not a resident of the District of Columbia as defined in subchapter II of chapter 15 of title 47, District of Columbia Code.

(b) This section does not give the consent of the United States to the application of a statute which imposes more burdensome requirements on the United States than on other employers, or which subjects the United States or its employees to a penalty or liability because of this section.

§ 5517. Withholding State income taxes

(a) When a State statute—

(1) provides for the collection of a tax by imposing on employers generally the duty of withholding sums from the pay of employees and making returns of the sums to the State; and

(2) imposes the duty to withhold generally with respect to the pay of employees who are residents of the State;

the Secretary of the Treasury, under regulations prescribed by the President, shall enter into an agreement with the State within 120 days of a request for agreement from the proper State official. The agreement shall provide that the head of each agency of the United States shall comply with the requirements of the State withholding statute in the case of employees of the agency who are subject to the tax and whose regular place of Federal employment is within the State with which the agreement is made. The agreement may not apply to pay for service as a member of the armed forces.

(b) This section does not give the consent of the United States to the application of a statute which imposes more burdensome requirements on the United States than on other employers, or which subjects the United States or its employees to a penalty or liability because of this section. An agency of the United States may not accept pay from a State for services performed in withholding State income taxes from the pay of the employees of the agency.

(c) For the purpose of this section, "State" means a State or territory or possession of the United States.

§ 5518. Deductions for State retirement systems; National Guard employees

When—

(1) a State statute provides for the payment of employee contributions to a State employee retirement system or to a State sponsored plan providing retirement, disability, or death benefits,

1 by withholding sums from the pay of State employees and making
 2 returns of the sums withheld to State authorities or to the person
 3 or organization designated by State authorities to receive sums
 4 withheld for the program; and

5 (2) individuals employed by the Army National Guard and
 6 the Air National Guard, except employees of the National Guard
 7 Bureau, are eligible for membership in a State employee retire-
 8 ment system or other State sponsored plan;

9 the Secretary of Defense, under regulations prescribed by the Presi-
 10 dent, shall enter into an agreement with the State within 120 days of a
 11 request for agreement from the proper State official. The agreement
 12 shall provide that the Department of Defense shall comply with the
 13 requirements of State statute as to the individuals named by para-
 14 graph (2) of this section who are eligible for membership in the State
 15 employee retirement system. The disbursing officials paying these
 16 individuals shall withhold and pay to the State employee retirement
 17 system or to the person or organization designated by State authori-
 18 ties to receive sums withheld for the program the employee contri-
 19 butions for these individuals. For the purpose of this section, "State"
 20 means a State or territory or possession of the United States including
 21 the Commonwealth of Puerto Rico.

22 SUBCHAPTER III—ADVANCEMENT, ALLOTMENT, AND 23 ASSIGNMENT OF PAY

24 § 5521. Definitions

25 For the purpose of this subchapter—

26 (1) "agency" means—

27 (A) an Executive agency;

28 (B) the judicial branch;

29 (C) the Library of Congress;

30 (D) the Government Printing Office; and

31 (E) the government of the District of Columbia;

32 (2) "employee" means an individual employed in or under an
 33 agency;

34 (3) "head of each agency" means—

35 (A) the Director of the Administrative Office of the
 36 United States Courts with respect to the judicial branch;
 37 and

38 (B) the Board of Commissioners of the District of Co-
 39 lumbia with respect to the government of the District of
 40 Columbia; and

(4) "United States", when used in a geographical sense, means the several States and the District of Columbia.

§ 5522. Advance payments; rates; amounts recoverable

(a) The head of each agency may provide for the advance payment of the pay, allowances, and differentials, or any of them, covering a period of not more than 30 days, to or for the account of each employee of the agency (or, under emergency circumstances and on a reimbursable basis, an employee of another agency) whose evacuation (or that of his dependents or immediate family, as the case may be) from a place inside or outside the United States is ordered for military or other reasons which create imminent danger to the life or lives of the employee or of his dependents or immediate family.

(b) Subject to adjustment of the account of an employee under section 5524 of this title and other applicable statute, the advance payment of pay, allowances, and differentials is at rates currently authorized with respect to the employee on the date the advance payment is made under agency procedures governing advance payments under this subsection. The rates so authorized may not exceed the rates to which the employee was entitled immediately before issuance of the evacuation order.

(c) An advance of funds under subsection (a) of this section is recoverable by the Government of the United States or the government of the District of Columbia, as the case may be, from the employee or his estate by—

(1) setoff against accrued pay, amount of retirement credit, or other amount due to the employee from the Government of the United States or the government of the District of Columbia; and

(2) such other method as is provided by law.

The head of the agency concerned may waive in whole or in part a right of recovery of an advance of funds under subsection (a) of this section, if it is shown that the recovery would be against equity and good conscience or against the public interest

§ 5523. Duration of payments; rates; active service period

(a) The head of each agency may provide for—

(1) the payment of monetary amounts covering a period of not more than 60 days to or for the account of each employee of the agency (or, under emergency circumstances and on a reimbursable basis, an employee of another agency)—

(A) whose evacuation from a place inside or outside the United States is ordered for military or other reasons which create imminent danger to the life of the employee; and

1 (B) who is prevented, by circumstances beyond his control
 2 and beyond the control of the Government of the United
 3 States or the government of the District of Columbia, or both,
 4 as the case may be, from performing the duties of the posi-
 5 tion which he held immediately before issuance of the evacua-
 6 tion order; and

7 (2) the termination of payment of the monetary amounts.

8 The President, with respect to the Executive agencies, may extend the
 9 60-day period for not more than 120 additional days if he determines
 10 that the extension of the period is in the interest of the United States.

11 (b) Subject to adjustment of the account of an employee under
 12 section 5524 of this title and other applicable statute, each payment
 13 under this section is at rates of pay, allowances, and differentials, or
 14 any of them, currently authorized with respect to the employee on the
 15 date payment is made under agency procedures governing payments
 16 under this section. The rates so authorized may not exceed the rates
 17 to which the employee was entitled immediately before issuance of the
 18 evacuation order. An employee in an Executive agency may be
 19 granted such additional allowance payments as the President deter-
 20 mines necessary to offset the direct added expenses incident to the
 21 evacuation.

22 (c) Each period for which payment of amounts is made under this
 23 section to or for the account of an employee is deemed, for all purposes
 24 with respect to the employee, a period of active service, without break
 25 in service, performed by the employee in the employment of the Gov-
 26 ernment of the United States or the government of the District of
 27 Columbia.

28 § 5524. Review of accounts

29 The head of each agency shall provide for—

30 (1) the review of the account of each employee of the agency
 31 in receipt of payments under section 5522 or 5523 of this title, or
 32 both, as the case may be; and

33 (2) the adjustment of the amounts of the payments on the
 34 basis of—

35 (A) the rates of pay, allowances, and differentials to which
 36 the employee would have been entitled under applicable
 37 statute other than this subchapter for the respective periods
 38 covered by the payments, if he had performed active service
 39 under the terms of his appointment during each period in the
 40 position he held immediately before the issuance of the appli-
 41 cable evacuation order; and

(B) such additional amounts as the employee is authorized to receive in accordance with a determination of the President under section 5523(b) of this title.

§ 5525. Allotment and assignment of pay

The head of each agency may establish procedures under which each employee of the agency is permitted to make allotments and assignments of amounts out of his pay for such purpose as the head of the agency considers appropriate.

§ 5526. Funds available on reimbursable basis

Funds available to an agency for payment of pay, allowances, and differentials to or for the accounts of employees of the agency are available on a reimbursable basis for payment of pay, allowances, and differentials to or for the accounts of employees of another agency under this subchapter.

§ 5527. Regulations

(a) To the extent practicable in the public interest, the President shall coordinate the policies and procedures of the respective Executive agencies under this subchapter.

(b) The President, with respect to the Executive agencies, and the head of the agency concerned, with respect to the appropriate agency outside the executive branch, shall prescribe and issue, or provide for the formulation and issuance of, regulations necessary and appropriate to carry out the provisions, accomplish the purposes, and govern the administration of this subchapter.

(c) The head of each Executive agency may prescribe and issue regulations, not inconsistent with the regulations of the President issued under subsection (b) of this section, necessary and appropriate to carry out his functions under this subchapter.

SUBCHAPTER IV—DUAL PAY AND DUAL EMPLOYMENT

§ 5531. Definitions

For the purpose of sections 5532 and 5533 of this title—

(1) “officer” has the meaning given it by section 101 of title 37; and

(2) “position” means a civilian office or position (including a temporary, part-time, or intermittent position), appointive or elective, in the legislative, executive, or judicial branch of the Government of the United States (including a Government corporation and a nonappropriated fund instrumentality under the jurisdiction of the armed forces) or in the government of the District of Columbia.

1 § 5532. **Employment of retired officers of the uniformed services;**
 2 **reduction in retired or retirement pay; exceptions**

3 (a) For the purpose of this section, "period for which he receives
 4 pay" means the full calendar period for which a retired officer of a
 5 regular component of a uniformed service receives the pay of a posi-
 6 tion when employed on a full-time basis, but only the days for which
 7 he actually receives that pay when employed on a part-time or inter-
 8 mittent basis.

9 (b) A retired officer of a regular component of a uniformed service
 10 who holds a position is entitled to receive the full pay of the position,
 11 but during the period for which he receives pay, his retired or retire-
 12 ment pay shall be reduced to an annual rate equal to the first \$2,000
 13 of the retired or retirement pay plus one-half of the remainder, if
 14 any. In the operation of the formula for the reduction of retired or
 15 retirement pay under this subsection, the amount of \$2,000 shall be
 16 increased, from time to time, by appropriate percentage, in direct
 17 proportion to each increase in retired or retirement pay under section
 18 1401a(b) of title 10 to reflect changes in the Consumer Price Index.

19 (c) The reduction in retired or retirement pay required by subsec-
 20 tion (b) of this section does not apply to a retired officer of a regular
 21 component of a uniformed service—

22 (1) whose retirement was based on disability—

23 (A) resulting from injury or disease received in line of
 24 duty as a direct result of armed conflict; or

25 (B) caused by an instrumentality of war and incurred in
 26 line of duty during a period of war as defined by sections 101
 27 and 301 of title 38; or

28 (2) employed on a temporary (full-time or part-time) basis,
 29 any other part-time basis, or an intermittent basis, for the first
 30 30-day period for which he receives pay.

31 The exemption from reduction in retired or retirement pay under
 32 paragraph (2) of this subsection does not apply longer than—

33 (i) the first 30-day period for which he receives pay under one
 34 appointment from the position in which he is employed, if he is
 35 serving under not more than one appointment; and

36 (ii) the first period for which he receives pay under more than
 37 one appointment, in a fiscal year, which consists in the aggregate
 38 of 30 days, from all positions in which he is employed, if he is
 39 serving under more than one appointment in that fiscal year.

40 (d) Except as otherwise provided by this subsection, the Civil Serv-

1 ice Commission, subject to the supervision and control of the Presi-
 2 dent, may prescribe regulations under which exceptions may be made
 3 to the restrictions in subsection (b) of this section when appropriate
 4 authority determines that the exceptions are warranted because of
 5 special or emergency employment needs which otherwise cannot be
 6 readily met. The President of the Senate with respect to the United
 7 States Senate, the Speaker of the House of Representatives with re-
 8 spect to the United States House of Representatives, and the Architect
 9 of the Capitol with respect to the Office of the Architect of the Capitol
 10 each may provide for a means by which exceptions may be made to the
 11 restrictions in subsection (b) of this section when he determines that
 12 the exceptions are warranted because of special or emergency employ-
 13 ment needs which otherwise cannot be readily met. The Administra-
 14 tor of the National Aeronautics and Space Administration may ex-
 15 cept, at any time, an individual appointed to a scientific, engineering,
 16 or administrative position under section 2473(b)(2)(A) of title 42
 17 from the restrictions in subsection (b) of this section when he deter-
 18 mines that the exception is warranted because of special or emergency
 19 employment needs which otherwise cannot be readily met, but not
 20 more than 30 exceptions may exist at any one time under this authority.

21 **§ 5533. Dual pay from more than one position; limitations;**
 22 **exceptions**

23 (a) Except as provided by subsections (b), (c), and (d) of this sec-
 24 tion, an individual is not entitled to receive basic pay from more than
 25 one position for more than an aggregate of 40 hours of work in one
 26 calendar week (Sunday through Saturday).

27 (b) Except as otherwise provided by subsection (c) of this section,
 28 the Civil Service Commission, subject to the supervision and control
 29 of the President, may prescribed regulations under which exceptions
 30 may be made to the restrictions in subsection (a) of this section when
 31 appropriate authority determines that the exceptions are warranted
 32 because personal services otherwise cannot be readily obtained.

33 (c) Unless otherwise authorized by law, appropriated funds are not
 34 available for payment to an individual of pay from more than one
 35 position if the aggregate amount of the basic pay from the positions
 36 is more than \$2,000 a year, and if—

37 (1) the pay of one of the positions is paid by the Secretary of
 38 the Senate or the Clerk of the House of Representatives; or

39 (2) one of the positions is under the Office of the Architect of
 40 the Capitol.

1 (d) Subsection (a) of this section does not apply to—

2 (1) pay on a when-actually-employed basis received from more
3 than one consultant or expert position if the pay is not received
4 for the same hours of the same day;

5 (2) pay consisting of fees paid on other than a time basis;

6 (3) pay received by a teacher of the public schools of the Dis-
7 trict of Columbia for employment in a position during the summer
8 vacation period;

9 (4) pay paid by the Tennessee Valley Authority to an em-
10 ployee performing part-time or intermittent work in addition to
11 his normal duties when the Authority considers it to be in the
12 interest of efficiency and economy;

13 (5) pay received by an individual holding a position—

14 (A) the pay of which is paid by the Secretary of the Sen-
15 ate or the Clerk of the House of Representatives; or

16 (B) under the Architect of the Capitol;

17 (6) pay paid by the United States Coast Guard to an employee
18 occupying a part-time position of lamplighter; and

19 (7) pay within the purview of any of the following statutes:

20 (A) section 162 of title 2;

21 (B) section 23(b) of title 13;

22 (C) section 327 of title 15;

23 (D) section 907 of title 20;

24 (E) section 873 of title 33;

25 (F) section 3335 (a) or (c) of title 39;

26 (G) section 631 or 631a of title 31, District of Columbia
27 Code; or

28 (H) section 102 of title 2, Canal Zone Code.

29 (e) This section does not apply to an individual employed under
30 sections 174j-1 to 174j-7 or 174k of title 40.

31 **§ 5534. Dual employment and pay of Reserves and National**
32 **Guardsmen**

33 A Reserve of the armed forces or member of the National Guard
34 may accept a civilian office or position under the Government of the
35 United States or the government of the District of Columbia, and he
36 is entitled to receive the pay of that office or position in addition to pay
37 and allowances as a Reserve or member of the National Guard.

38 **§ 5535. Extra pay for details prohibited**

39 (a) An officer may not receive pay in addition to the pay for his
40 regular office for performing the duties of a vacant office as authorized
41 by sections 3345-3347 of this title.

(b) An employee may not receive—

(1) additional pay or allowances for performing the duties of another employee; or

(2) pay in addition to the regular pay received for employment held before his appointment or designation as acting for or instead of an occupant of another position or employment.

This subsection does not prevent a regular and permanent appointment by promotion from a lower to a higher grade of employment.

§ 5536. Extra pay for extra services prohibited

An employee or a member of a uniformed service whose pay or allowance is fixed by statute or regulation may not receive additional pay or allowance for the disbursement of public money or for any other service or duty, unless specifically authorized by law and the appropriation therefor specifically states that it is for the additional pay or allowance.

§ 5537. Fees for jury service in courts of the United States

An employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia may not receive fees for jury service in a court of the United States.

SUBCHAPTER V—PREMIUM PAY

§ 5541. Definitions

For the purpose of this subchapter—

(1) “agency” means—

(A) an Executive agency;

(B) a military department;

(C) an agency in the judicial branch;

(D) the Library of Congress;

(E) the Botanic Garden;

(F) the Office of the Architect of the Capitol; and

(G) the government of the District of Columbia; and

(2) “employee” means—

(A) an employee in or under an Executive agency;

(B) an individual employed by the government of the District of Columbia; and

(C) an employee in or under the judicial branch, the Library of Congress, the Botanic Garden, and the Office of the Architect of the Capitol, who occupies a position subject to chapter 51 and subchapter III of chapter 53 of this title;

but does not include—

(i) a justice or judge of the United States;

- 1 (ii) the head of an agency other than the government of
- 2 the District of Columbia;
- 3 (iii) a teacher, school official, or employee of the Board
- 4 of Education of the District of Columbia, whose pay is fixed
- 5 under chapter 15 of title 31, District of Columbia Code;
- 6 (iv) a member of the Metropolitan Police, the Fire De-
- 7 partment of the District of Columbia, the United States
- 8 Park Police, or the White House Police;
- 9 (v) a student-employee as defined by section 5351 of this
- 10 title;
- 11 (vi) an employee in the postal field service;
- 12 (vii) an employee outside the continental United States
- 13 or in Alaska who is paid in accordance with local native
- 14 prevailing wage rates for the area in which employed;
- 15 (viii) an employee of the Tennessee Valley Authority;
- 16 (ix) an individual to whom section 1291(a) of title 50,
- 17 appendix, applies;
- 18 (x) an employee of a Federal land bank, a Federal inter-
- 19 mediate credit bank, or a bank for cooperatives;
- 20 (xi) an employee whose basic pay is fixed and adjusted
- 21 from time to time in accordance with prevailing rates by
- 22 a wage board or similar administrative authority serving the
- 23 same purpose, except as provided by section 5544 of this title;
- 24 (xii) an employee of the Transportation Corps of the
- 25 Army on a vessel operated by the United States, a vessel
- 26 employee of the Coast and Geodetic Survey, a vessel employee
- 27 of the Department of the Interior, or a vessel employee of
- 28 the Panama Canal Company; or
- 29 (xiii) a "teacher" or an individual holding a "teaching
- 30 position" as defined by section 901 of title 20.

31 § 5542. Overtime rates; computation

32 (a) Hours of work officially ordered or approved in excess of 40
 33 hours in an administrative workweek performed by an employee are
 34 overtime work and shall be paid for, except as otherwise provided by
 35 this subchapter, at the following rates:

- 36 (1) For an employee whose basic pay is at a rate which does
- 37 not exceed the minimum rate of basic pay for GS-9, the overtime
- 38 hourly rate of pay is an amount equal to one and one-half times
- 39 the hourly rate of basic pay of the employee, and all that amount
- 40 is premium pay.

(2) For an employee whose basic pay is at a rate which exceeds the minimum rate of basic pay for GS-9, the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of the minimum rate of basic pay for GS-9, and all that amount is premium pay.

(b) For the purpose of this subchapter—

(1) unscheduled overtime work performed by an employee on a day when work was not scheduled for him, or for which he is required to return to his place of employment, is deemed at least 2 hours in duration; and

(2) time spent in a travel status away from the official-duty station of an employee is not hours of employment unless—

(A) the time spent is within the days and hours of the regularly scheduled administrative workweek of the employee, including regularly scheduled overtime hours; or

(B) the travel involves the performance of work while traveling or is carried out under arduous conditions.

§ 5543. Compensatory time off

(a) The head of an agency may—

(1) on request of an employee, grant the employee compensatory time off from his scheduled tour of duty instead of payment for an equal amount of time spent in irregular or occasional overtime work; and

(2) provide that an employee whose rate of basic pay is in excess of the maximum rate of basic pay for GS-9 shall be granted compensatory time off from his scheduled tour of duty equal to the amount of time spent in irregular or occasional overtime work instead of being paid for that work under section 5542 of this title.

(b) The Architect of the Capitol may grant an employee paid on an annual basis compensatory time off from duty instead of overtime pay for overtime work.

§ 5544. Wage-board overtime rates; computation

(a) An employee whose basic rate of pay is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose is entitled to overtime pay for overtime work in excess of 8 hours a day or 40 hours a week. However, an employee subject to this subsection who regularly is required to remain at or within the confines of his post of duty in excess of 8 hours a day in a standby or on-call status is entitled

1 to overtime pay only for hours of duty, exclusive of eating and sleep-
 2 ing time, in excess of 40 a week. The overtime hourly rate of pay is
 3 computed as follows:

4 (1) If the basic rate of pay of the employee is fixed on a basis
 5 other than an annual or monthly basis, multiply the basic hourly
 6 rate of pay by not less than one and one-half.

7 (2) If the basic rate of pay of the employee is fixed on an
 8 annual basis, divide the basic annual rate of pay by 2,080, and
 9 multiply the quotient by one and one-half.

10 (3) If the basic rate of pay of the employee is fixed on a monthly
 11 basis, multiply the basic monthly rate of pay by 12 to derive a
 12 basic annual rate of pay, divide the basic annual rate of pay by
 13 2,080, and multiply the quotient by one and one-half.

14 (b) An employee under the Office of the Architect of the Capitol
 15 who is paid on a daily or hourly basis and who is not subject to chapter
 16 51 and subchapter III of chapter 53 of this title is entitled to overtime
 17 pay for overtime work in accordance with subsection (a) of this sec-
 18 tion. The overtime hourly rate of pay is computed in accordance with
 19 subsection (a) (1) of this section.

20 **§ 5545. Night, standby, and irregular duty differential**

21 (a) Except as provided by subsection (b) of this section, nightwork
 22 is regularly scheduled work between the hours of 6:00 p.m. and 6:00
 23 a.m., and includes—

24 (1) periods of absence with pay during these hours due to
 25 holidays; and

26 (2) periods of leave with pay during these hours if the periods
 27 of leave with pay during a pay period total less than 8 hours.

28 Except as otherwise provided by subsection (c) of this section, an em-
 29 ployee is entitled to pay for nightwork at his rate of basic pay plus
 30 premium pay amounting to 10 percent of that basic rate. This sub-
 31 section and subsection (b) of this section do not modify section 180
 32 of title 31, or other statute authorizing additional pay for nightwork.

33 (b) The head of an agency may designate a time after 6:00 p.m. and
 34 a time before 6:00 a.m. as the beginning and end, respectively, of night-
 35 work for the purpose of subsection (a) of this section, at a post out-
 36 side the United States where the customary hours of business extend
 37 into the hours of nightwork provided by subsection (a) of this section.

38 (c) The head of an agency, with the approval of the Civil Service
 39 Commission, may provide that—

40 (1) an employee in a position requiring him regularly to remain
 41 at, or within the confines of, his station during longer than ordi-

nary periods of duty, a substantial part of which consists of remaining in a standby status rather than performing work, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for irregular, unscheduled overtime duty in excess of his regularly scheduled weekly tour. Premium pay under this paragraph is determined as an appropriate percentage, not in excess of 25 percent, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-9, by taking into consideration the number of hours of actual work required in the position, the number of hours required in a standby status at or within the confines of the station, the extent to which the duties of the position are made more onerous by night or holiday work, or by being extended over periods of more than 40 hours a week, and other relevant factors; or

(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty and duty at night and on holidays with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime duty. Premium pay under this paragraph is determined as an appropriate percentage, not in excess of 15 percent, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-9, by taking into consideration the frequency and duration of night, holiday, and unscheduled overtime duty required in the position.

§ 5546. Pay for holiday work

(a) An employee who performs work on a holiday designated by Federal statute, Executive order, or with respect to an employee of the government of the District of Columbia, by order of the Board of Commissioners of the District of Columbia, is entitled to pay at the rate of his basic pay, plus premium pay at a rate equal to the rate of his basic pay, for that holiday work which is not—

(1) in excess of 8 hours; or

(2) overtime work as defined by section 5542(a) of this title.

(b) An employee who is required to perform any work on a designated holiday is entitled to pay for at least 2 hours of holiday work.

(c) An employee who performs overtime work as defined by section

1 5442(a) of this title on a Sunday or a designated holiday is entitled
 2 to pay for that overtime work in accordance with section 5542(a) of
 3 this title.

4 (d) Premium pay under this section is in addition to premium pay
 5 which may be due for the same work under section 5545 (a) and (b)
 6 of this title, providing premium pay for nightwork.

7 **§ 5547. Limitation on premium pay**

8 An employee may be paid premium pay under this subchapter only
 9 to the extent that the payment does not cause his aggregate rate of pay
 10 for any pay period to exceed the maximum rate for GS-15.

11 **§ 5548. Regulations**

12 The Civil Service Commission may prescribe regulations, subject
 13 to the approval of the President, necessary for the administration of
 14 this subchapter, except section 5544, insofar as this subchapter affects
 15 employees in or under the executive branch.

16 **§ 5549. Effect on other statutes**

17 This subchapter does not prevent payment for overtime services or
 18 for Sunday or holiday work under any of the following statutes—

- 19 (1) section 394 of title 7;
- 20 (2) sections 1353a and 1353b of title 8;
- 21 (3) sections 261, 267, 1450, 1451, 1451a, and 1452 of title 19;
- 22 (4) section 382b of title 46; and
- 23 (5) section 154(f) (3) of title 47.

24 However, an employee may not receive premium pay under this sub-
 25 chapter for the same services for which he is paid under one of these
 26 statutes.

27 **SUBCHAPTER VI—PAYMENT FOR ACCUMULATED AND**
 28 **ACCRUED LEAVE**

29 **§ 5551. Lump-sum payment for accumulated and accrued leave on**
 30 **separation**

31 (a) An employee as defined by section 2105 of this title or an indi-
 32 vidual employed by the government of the District of Columbia, who
 23 is separated from the service or elects to receive a lump-sum payment
 34 for leave under section 5552 of this title, is entitled to receive a lump-
 35 sum payment for accumulated and current accrued annual or vacation
 36 leave to which he is entitled by statute. The lump-sum payment shall
 37 equal the pay the employee or individual would have received had he
 38 remained in the service until expiration of the period of the annual or
 39 vacation leave, except that it may not exceed pay for a period of annual
 40 or vacation leave in excess of 30 days or the number of days carried
 41 over to his credit at the beginning of the leave year in which entitle-

ment to payment occurs, whichever is greater. The lump-sum payment is considered pay for taxation purposes only.

(b) The accumulated and current accrued annual leave to which an officer excepted from subchapter I of chapter 63 of this title by section 6301(2)(x)–(xii) of this title, is entitled immediately before the date he is excepted under that section shall be liquidated by a lump-sum payment in accordance with subsection (a) of this section or subchapter VIII of this chapter, except that the payment is—

(1) based on the rate of pay which he was receiving immediately before the date on which section 6301(2)(x)–(xii) of this title became applicable to him; and

(2) made without regard to the limitation in subsection (a) of this section on the amount of leave compensable.

§ 5552. Lump-sum payment for accumulated and accrued leave on entering active duty; election

An employee as defined by section 2105 of this title or an individual employed by a territory or possession of the United States or the government of the District of Columbia who enters on active duty in the armed forces is entitled to—

(1) receive, in addition to his pay and allowances from the armed forces, a lump-sum payment for accumulated and current accrued annual or vacation leave in accordance with section 5551 of this title; or

(2) elect to have the leave remain to his credit until his return from active duty.

SUBCHAPTER VII—PAYMENTS TO MISSING EMPLOYEES

§ 5561. Definitions

For the purpose of this subchapter—

(1) “agency” means an Executive agency and a military department;

(2) “employee” means an employee in or under an agency who is a citizen or national of the United States or an alien admitted to the United States for permanent residence, but does not include a part-time or intermittent employee or native labor casually hired on an hourly or daily basis. However, such an employee who enters a status listed in paragraph 5 (A)–(E) of this section—

(A) inside the continental United States; or

(B) who is a resident at or in the vicinity of his place of employment in a territory or possession of the United States

1 or in a foreign country and who was not living there solely
 2 as a result of his employment;
 3 is an employee for the purpose of this subchapter only on a deter-
 4 mination by the head of the agency concerned that this status is
 5 the proximate result of employment by the agency;

6 (3) "dependent" means—

7 (A) a wife;

8 (B) an unmarried child (including an unmarried depend-
 9 ent stepchild or adopted child) under 21 years of age;

10 (C) a dependent mother or father;

11 (D) a dependent designated in official records; and

12 (E) an individual determined to be dependent by the head
 13 of the agency concerned or his designee;

14 (4) "active service" means active Federal service by an
 15 employee;

16 (5) "missing status" means the status of an employee who is
 17 in active service and is officially carried or determined to be absent
 18 in a status of—

19 (A) missing;

20 (B) missing in action;

21 (C) interned in a foreign country;

22 (D) captured, beleaguered, or besieged by a hostile force;

23 or

24 (E) detained in a foreign country against his will;

25 but does not include the status of an employee for a period during
 26 which he is officially determined to be absent from his post of
 27 duty without authority; and

28 (6) "pay and allowances" means—

29 (A) basic pay;

30 (B) special pay;

31 (C) incentive pay;

32 (D) basic allowance for quarters;

33 (E) basic allowance for subsistence; and

34 (F) station per diem allowances for not more than 90 days.

35 **§ 5562. Pay and allowances; continuance while in a missing**
 36 **status; limitations**

37 (a) An employee in a missing status is entitled to receive or have
 38 credited to his account, for the period he is in that status, the same
 39 pay and allowances to which he was entitled at the beginning of that
 40 period or may become entitled thereafter.

(b) Entitlement to pay and allowances under subsection (a) of this section ends on the date of—

(1) receipt by the head of the agency concerned of evidence that the employee is dead; or

(2) death prescribed or determined under section 5565 of this title.

That entitlement does not end—

(A) on the expiration of the term of service or employment of an employee while he is in a missing status; or

(B) earlier than the dates prescribed in paragraphs (1) and (2) of this subsection if the employee dies while he is in a missing status.

(c) An employee who is officially determined to be absent from his post of duty without authority is indebted to the United States for payments of amounts credited to his account under subsection (a) of this section for the period of that absence.

(d) When an employee in a missing status is continued in that status under section 5565 of this title, he continues to be entitled to have pay and allowances credited under subsection (a) of this section.

§ 5563. Allotments; continuance, suspension, initiation, resumption, or increase while in a missing status; limitations

(a) An allotment (including one for the purchase of United States savings bonds) made by an employee before he was in a missing status may be continued for the period he is in that status, notwithstanding the end of the period for which the allotment was made.

(b) In the absence of an allotment or when an allotment is insufficient for a purpose authorized by the head of the agency concerned, he or his designee may authorize such a new or increased allotment as circumstances warrant, which is payable for the period the employee concerned is in a missing status.

(c) All allotments from the pay and allowances of an employee in a missing status may not total more than the amount of pay and allowances he is permitted to allot under regulations prescribed by the head of the agency concerned.

(d) A premium paid by the United States on insurance issued on the life of an employee, which is unearned because it covers a period after his death, reverts to the appropriation of the agency concerned.

(e) Subject to subsections (f) and (g) of this section, the head of the agency concerned or his designee may direct the initiation, continuance, discontinuance, increase, decrease, suspension, or resumption of

1 an allotment from the pay and allowances of an employee in a missing
 2 status when that action is in the interests of the employee, his depend-
 3 ents, or the United States.

4 (f) When the head of the agency concerned officially reports that
 5 an employee in a missing status is alive, an allotment under subsec-
 6 tions (a)–(d) of this section may be paid, subject to section 5562 of this
 7 title, until the date the head of the agency concerned receives evidence
 8 that the employee is dead or has returned to the controllable jurisdic-
 9 tion of the agency concerned.

10 (g) When an employee in a missing status is continued in that status
 11 under section 5565 of this title, an allotment under subsections (a)–(d)
 12 of this section may be continued, increased, or initiated.

13 (h) When the head of the agency concerned considers it essential
 14 for the well-being and protection of the dependents of an employee in
 15 active service (other than an employee in a missing status), he may,
 16 with or without the consent of the employee and subject to termination
 17 on specific request of the employee—

18 (1) direct the payment of a new allotment from the pay of the
 19 employee;

20 (2) increase or decrease the amount of an allotment made by
 21 the employee; and

22 (3) continue payment of an allotment of the employee which
 23 has expired.

24 **§ 5564. Travel and transportation; dependents; household and**
 25 **personal effects; motor vehicles; sale of bulky items;**
 26 **claims for proceeds; appropriation chargeable**

27 (a) For the purpose of this section, “household and personal effects”
 28 and “household effects” may include, in addition to other authorized
 29 weight allowances, one privately owned motor vehicle which may be
 30 shipped at United States expense when it is located outside the United
 31 States or in Alaska or Hawaii.

32 (b) Transportation (including packing, crating, draying, tem-
 33 porarily storing, and unpacking of household and personal effects)
 34 may be provided for the dependents and household and personal
 35 effects of an employee in active service (without regard to pay grade)
 36 who is officially reported as dead, injured, or absent for more than 29
 37 days in a status listed in section 5561 (5) (A)–(E) of this title to—

38 (1) the official residence of record for the employee;

39 (2) the residence of his dependent, next of kin, or other person
 40 entitled to the effects under regulations prescribed by the head of
 41 the agency concerned; or

(3) another location determined in advance or later approved by the head of the agency concerned or his designee on request of the employee (if injured) or his dependent, next of kin, or other person described in paragraph (2) of this subsection.

(c) When an employee described in subsection (b) of this section is in an injured status, transportation of dependents and household and personal effects may be provided under this section only when prolonged hospitalization or treatment is anticipated.

(d) Transportation on request of a dependent may be authorized under this section only when there is a reasonable relationship between the circumstances of the dependent and the destination requested.

(e) Instead of providing transportation for dependents under this section, when the travel has been completed the head of the agency concerned may authorize—

(1) reimbursement for the commercial cost of the transportation; or

(2) a monetary allowance, instead of transportation, as authorized by statute for the whole or that part of the travel for which transportation in kind was not furnished.

(f) The head of the agency concerned may store the household and personal effects of an employee described in subsection (b) of this section until proper disposition can be made. The cost of the storage and transportation (including packing, crating, draying, temporarily storing, and unpacking) of household and personal effects shall be charged against appropriations currently available.

(g) When the head of the agency concerned determines that an emergency exists and that a sale would be in the best interests of the United States, he may provide for the public or private sale of motor vehicles and other bulky items of the household and personal effects of an employee described in subsection (b) of this section. Before a sale, and if practicable, a reasonable effort shall be made to determine the desires of interested persons. The net proceeds from the sale shall be sent to the owner or other person entitled thereto under regulations prescribed by the head of the agency concerned. If there is no owner or other person entitled thereto, or if the owner or other person or their addresses are not ascertained within 1 year from the date of sale, the net proceeds may be covered into the Treasury of the United States as miscellaneous receipts.

(h) A claim for net proceeds covered into the Treasury under subsection (g) of this section may be filed with the General Accounting Office by the owner, his heir or next of kin, or his legal representative

1 at any time before the end of 5 years from the date the proceeds are
 2 covered into the Treasury. When a claim is filed, the General Ac-
 3 counting Office shall allow or disallow it. A claim that is allowed
 4 shall be paid from the appropriation for refunding money erroneously
 5 received and covered. If a claim is not filed before the end of 5 years
 6 from the date the proceeds are covered into the Treasury, it is barred
 7 from being acted on by the General Accounting Office or the courts.

8 (i) This section does not amend or repeal—

- 9 (1) section 2575, 2733, 4712, 4713, 6522, 9712, or 9713 of title 10;
- 10 (2) section 507 of title 14; or
- 11 (3) chapter 171 of title 28.

12 § 5565. Agency review

13 (a) When an employee has been in a missing status almost 12
 14 months and no official report of his death or the circumstances of his
 15 continued absence has been received by the head of the agency con-
 16 cerned, he shall have the case fully reviewed. After that review and
 17 the end of 12 months in a missing status, or after any later review
 18 which shall be made when warranted by information received or other
 19 circumstances, the head of the agency concerned or his designee may—

- 20 (1) direct the continuance of his missing status, if there is a
- 21 reasonable presumption that the employee is alive; or
- 22 (2) make a finding of death.

23 (b) When a finding of death is made under subsection (a) of this
 24 section, it shall include the date death is presumed to have occurred for
 25 the purpose of the ending of crediting pay and allowances and settle-
 26 ment of accounts. That date is—

- 27 (1) the day after the day on which the 12 months in a missing
- 28 status ends; or
- 29 (2) a day determined by the head of the agency concerned or
- 30 his designee when the missing status has been continued under
- 31 subsection (a) of this section.

32 (c) For the purpose of determining status under this section, a
 33 dependent of an employee in active service is deemed an employee. A
 34 determination under this section made by the head of the agency con-
 35 cerned or his designee is conclusive on all other agencies of the United
 36 States. This section does not entitle a dependent to pay, allowances,
 37 or other compensation to which he is not otherwise entitled.

38 § 5566. Agency determinations

39 (a) The head of the agency concerned or his designee may make

1 any determination necessary to administer this subchapter, and when
2 so made it is conclusive as to—

- 3 (1) death or finding of death;
- 4 (2) the fact of dependency under this subchapter;
- 5 (3) any other status covered by this subchapter;
- 6 (4) an essential date, including one on which evidence or in-
7 formation is received by the head of the agency concerned; and
- 8 (5) whether information received concerning an employee is
9 to be construed and acted on as an official report of death.

10 (b) When the head of the agency concerned receives information
11 that he considers to conclusively establish the death of an employee,
12 he shall take action thereon as an official report of death, notwith-
13 standing an earlier action relating to death or other status of the
14 employee. After the end of 12 months in a missing status prescribed
15 by section 5565 of this title, the head of the agency concerned or his
16 designee shall make a finding of death when he considers that the
17 information received, or a lapse of time without information, estab-
18 lishes a reasonable presumption that an employee in a missing status
19 is dead.

20 (c) The head of the agency concerned or his designee may deter-
21 mine the entitlement of an employee to pay and allowances under this
22 subchapter, including credits and charges in his account, and that
23 determination is conclusive. An account may not be charged or deb-
24 ited with an amount that an employee captured, beleaguered, or be-
25 sieged by a hostile force may receive or be entitled to receive from, or
26 have placed to his credit by, the hostile force as pay, allowances, or
27 other compensation.

28 (d) When circumstances warrant the reconsideration of a determi-
29 nation made under this subchapter, the head of the agency concerned
30 or his designee may change or modify it.

31 (e) When the account of an employee has been charged or debited
32 with an allotment paid under this subchapter, the amount so charged
33 or debited shall be recredited to the account of the employee if the head
34 of the agency concerned or his designee determines that the payment
35 was induced by fraud or misrepresentation to which the employee was
36 not a party.

37 (f) Except an allotment for an unearned insurance premium, an
38 allotment paid from the pay and allowances of an employee for the
39 period he is in a missing status may not be collected from the allottee

1 as an overpayment when payment was caused by delay in receiving
2 evidence of death. An allotment paid for a period after the end, under
3 this subchapter or otherwise, of entitlement to pay and allowances may
4 not be collected from the allottee or charged against the pay of a
5 deceased employee when payment was caused by delay in receiving evi-
6 dence of death.

7 (g) The head of the agency concerned or his designee may waive the
8 recovery of an erroneous payment or overpayment of an allotment to
9 a dependent if he considers recovery is against equity and good con-
10 science.

11 (h) For the purpose of determining status under this section, a
12 dependent of an employee in active service is deemed an employee. A
13 determination under this section made by the head of the agency
14 concerned or his designee is conclusive on all other agencies of the
15 United States. This section does not entitle a dependent to pay, allow-
16 ances, or other compensation to which he is not otherwise entitled.

17 **§ 5567. Settlement of accounts**

18 (a) The head of the agency concerned or his designee may settle
19 the accounts of—

20 (1) an employee for whose account payment has been made un-
21 der sections 5562, 5563, and 5565 of this title; and

22 (2) a survivor of a casualty to a ship, station, or military in-
23 stallation which results in the loss or destruction of disbursing
24 records.

25 That settlement is conclusive on the accounting officials of the United
26 States in settling the accounts of disbursing officials.

27 (b) Payment or settlement of an account made pursuant to a report,
28 determination, or finding of death may not be recovered or reopened
29 because of a later report or determination which fixes a date of death.
30 However, an account shall be reopened and settled on the basis of a
31 date of death so fixed which is later than that used as a basis for
32 earlier settlement.

33 (c) In settling the accounts of a disbursing official, he is entitled to
34 credit for an erroneous payment or overpayment made by him in car-
35 rying out this subchapter, except section 5568, if there is no fraud or
36 criminality by him. Recovery may not be made from an individual
37 who authorizes a payment under this subchapter, except section 5568,
38 if there is no fraud or criminality by him.

39 **§ 5568. Income tax deferment**

40 Notwithstanding other statutes, in the case of a taxable year begin-
41 ning after December 31, 1940, any Federal income tax return of, or

1 the payment of any Federal income tax by, an employee who, at the
 2 time the return or payment would otherwise become due, is in a missing
 3 status does not become due until the earlier of the following dates:

4 (1) the fifteenth day of the third month in which he ceased
 5 (except because of death or incompetency) being in a missing
 6 status, unless before the end of that fifteenth day he is again in a
 7 missing status; or

8 (2) the fifteenth day of the third month after the month in
 9 which an executor, administrator, or conservator of the estate of
 10 the taxpayer is appointed.

11 That due date is prescribed subject to the power of the Secretary of the
 12 Treasury or his delegate to extend the time for filing the return or
 13 paying the tax, as in other cases, and to assess and collect the tax as
 14 provided by sections 6851, 6861, and 6871 of title 26 in cases in which
 15 the assessment or collection is jeopardized and in cases of bankruptcy
 16 or receivership.

17 SUBCHAPTER VIII—SETTLEMENT OF ACCOUNTS

18 § 5581. Definitions

19 For the purpose of this subchapter—

20 (1) “employee” means—

21 (A) an employee as defined by section 2105 of this title;
 22 and

23 (B) an individual employed by the government of the
 24 District of Columbia;

25 but does not include an employee of—

26 (i) a Federal land bank;

27 (ii) a Federal intermediate credit bank; or

28 (iii) a regional bank for cooperatives;

29 (2) “money due” means the pay and allowances due on account
 30 of the services of a deceased employee for the Government of the
 31 United States or the government of the District of Columbia.

32 It includes, but is not limited to—

33 (A) per diem instead of subsistence, mileage, and amounts
 34 due in reimbursement of travel expenses, including incidental
 35 and miscellaneous expenses in connection therewith for which
 36 reimbursement is due;

37 (B) allowances on change of official station;

38 (C) quarters and cost-of-living allowances and overtime or
 39 premium pay;

40 (D) amounts due for payment of cash awards for
 41 employees' suggestions;

1 (E) amounts due as refund of pay deductions for United
2 States savings bonds;

3 (F) payment for accumulated and current accrued annual
4 or vacation leave equal to the pay the deceased employee
5 would have received had he lived and remained in the service
6 until the end of the period of annual or vacation leave;

7 (G) amounts of checks drawn for pay and allowances which
8 were not delivered by the Government to the employee during
9 his lifetime;

10 (H) amounts of unnegotiated checks returned to the Gov-
11 ernment because of the death of the employee; and

12 (I) retroactive pay under section 5344(a)(2) of this title.
13 It does not include benefits, refunds, or interest payable under
14 subchapter III of chapter 83 of this title applicable to the service
15 of the deceased employee, or amounts the disposition of which is
16 otherwise expressly prescribed by Federal statute.

17 **§ 5582. Designation of beneficiary; order of precedence**

18 (a) The employing agency shall notify each employee of his right
19 to designate a beneficiary or beneficiaries to receive money due, and of
20 the disposition of money due if a beneficiary is not designated. An
21 employee may change or revoke a designation at any time under such
22 regulations as the Comptroller General of the United States may
23 prescribe.

24 (b) In order to facilitate the settlement of the accounts of deceased
25 employees, money due an employee at the time of his death shall be
26 paid to the person or persons surviving at the date of death, in the
27 following order of precedence, and the payment bars recovery by
28 another person of amounts so paid:

29 First, to the beneficiary or beneficiaries designated by the
30 employee in a writing received in the employing agency before his
31 death.

32 Second, if there is no designated beneficiary, to the widow or
33 widower of the employee.

34 Third, if none of the above, to the child or children of the
35 employee and descendants of deceased children by representation.

36 Fourth, if none of the above, to the parents of the employee or
37 the survivor of them.

38 Fifth, if none of the above, to the duly appointed legal repre-
39 sentative of the estate of the employee.

40 Sixth, if none of the above, to the person or persons entitled

under the laws of the domicile of the employee at the time of his death.

§ 5583. Payment of money due; settlement of accounts

(a) Under such regulations as the Comptroller General of the United States may prescribe, the employing agency shall pay money due a deceased employee to the beneficiary designated by the employee under section 5582(b) of this title, or, if none, to the widow or widower of the employee.

(b) Except as the Comptroller General may by regulation otherwise authorize or direct, accounts not payable under subsection (a) of this section are payable on settlement of the General Accounting Office. However—

(1) accounts of employees of the government of the District of Columbia shall be paid by the District of Columbia;

(2) accounts of employees of the Canal Zone Government on the Isthmus of Panama shall be paid by the Canal Zone Government; and

(3) accounts of employees of Government corporations or mixed ownership Government corporations may be paid by the corporations.

SUBCHAPTER IX—BACK PAY

§ 5591. Back pay; individuals reinstated or restored after removal or suspension for cause

An individual removed or suspended under section 7501 of this title who, after filing a written answer to the charges under section 7501 of this title or after further appeal to proper authority after receipt of an adverse decision on the answer, is reinstated or restored to duty because the action was unjustified or unwarranted is—

(1) entitled to pay, at the rate received on the date of the removal or suspension, for the period for which he did not receive pay with respect to the position from which he was removed or suspended, less the amount he earned through other employment during that period; and

(2) deemed to have performed service during that period for all purposes except for the accumulation of leave.

Decision on an appeal to proper authority under this section shall be made at the earliest practicable date.

§ 5592. Back pay; preference eligibles reinstated or restored after removal, suspension, or furlough

An individual removed, suspended, or furloughed under section 7512 of this title who, after answering the reasons advanced for the

1 proposed adverse action under section 7512 of this title or after an
 2 appeal to the Civil Service Commission under section 7701 of this title,
 3 is reinstated or restored to duty because the action was unjustified or
 4 unwarranted is—

5 (1) entitled to pay, at the rate received on the date of the re-
 6 moval, suspension, or furlough, for the period for which he did
 7 not receive pay with respect to the position from which he was
 8 removed, suspended, or furloughed, less the amounts he earned
 9 through other employment during that period; and

10 (2) deemed to have performed service during that period for
 11 all purposes except for the accumulation of leave.

12 **§ 5593. Back pay; individuals reinstated or restored after reduc-**
 13 **tion in force**

14 An individual removed or furloughed without pay in a reduction
 15 in force who, after an appeal to proper authority, is reinstated or re-
 16 stored to duty because the action was unjustified or unwarranted is—

17 (1) entitled to pay, at the rate received on the date of the re-
 18 moval or furlough, for the period for which he did not receive
 19 pay with respect to the position from which he was removed or
 20 furloughed, less the amounts he earned through other employ-
 21 ment during that period; and

22 (2) deemed to have performed service during that period for
 23 all purposes except for the accumulation of leave.

24 Decision on an appeal to proper authority under this section shall
 25 be made at the earliest practicable date.

26 **§ 5594. Back pay; individuals reinstated or restored after suspen-**
 27 **sion or removal for national security**

28 An individual suspended or removed under section 7532 of this title
 29 who is reinstated or restored to duty under section 3571 of this title
 30 is entitled to pay in an amount not to exceed the amount he normally
 31 would have earned during the period of suspension or removal, at the
 32 rate received on the date of suspension or removal, for all or a part of
 33 the period for which he did not receive pay with respect to the position
 34 from which he was suspended or removed, less the amounts he earned
 35 through other employment during that period.

36 **CHAPTER 57—TRAVEL, TRANSPORTATION, AND**
 37 **SUBSISTENCE**

38 **SUBCHAPTER I—TRAVEL AND SUBSISTENCE**
 39 **EXPENSES; MILEAGE ALLOWANCES**

Sec.

5701. Definitions.

5702. Per diem; employees traveling on official business.

Sec.

- 5703. Per diem, travel, and transportation expenses; experts and consultants; individuals serving without pay.
- 5704. Mileage and related allowances.
- 5705. Advancements and deductions.
- 5706. Allowable travel expenses.
- 5707. Regulations.
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SUBCHAPTER II—TRAVEL AND TRANSPORTATION EXPENSES; NEW APPOINTEES, STUDENT TRAINEES, AND TRANSFERRED EMPLOYEES

- 5721. Definitions.
- 5722. Travel and transportation expenses of new appointees; posts of duty outside the continental United States.
- 5723. Travel and transportation expenses of new appointees and student trainees; manpower shortage positions.
- 5724. Travel and transportation expenses of employees transferred; advancement of funds; reimbursement on commuted basis.
- 5725. Transportation expenses; employees assigned to danger areas.
- 5726. Storage expenses; household goods and personal effects.
- 5727. Transportation of motor vehicles.
- 5728. Travel and transportation expenses; vacation leave.
- 5729. Transportation expenses; prior return of family.
- 5730. Funds available.
- 5731. Expenses limited to lowest first-class rate.
- 5732. General average contribution; payment or reimbursement.

SUBCHAPTER III—TRANSPORTATION OF REMAINS, DEPENDENTS, AND EFFECTS

Sec.

- 5741. General prohibition.
- 5742. Transportation of remains, dependents, and effects; death occurring away from official station or abroad.

SUBCHAPTER I—TRAVEL AND SUBSISTENCE EXPENSES; MILEAGE ALLOWANCES

§ 5701. Definitions

For the purpose of this subchapter—

(1) “agency” means—

- (A) an Executive agency;
- (B) a military department;
- (C) an office, agency, or other establishment in the legislative branch;
- (D) an office, agency, or other establishment in the judicial branch; and
- (E) the government of the District of Columbia;

but does not include—

- (i) a Government controlled corporation;
 - (ii) a Member of Congress; or
 - (iii) an office or committee of a House of Congress;
- (2) “employee” means an individual employed in or under an agency;

1 (3) "subsistence" means lodging, meals, and other necessary
2 expenses for the personal sustenance and comfort of the traveler;

3 (4) "per diem allowance" means a daily flat rate payment in-
4 stead of actual expenses including actual expenses for subsistence
5 and fees or tips to porters and stewards;

6 (5) "Government" means the Government of the United States
7 and the government of the District of Columbia; and

8 (6) "continental United States" means the several States and
9 the District of Columbia, but does not include Alaska or Hawaii.

10 **§ 5702. Per diem; employees traveling on official business**

11 (a) An employee, while traveling on official business away from
12 his designated post of duty, is entitled to a per diem allowance pre-
13 scribed by the agency concerned. For travel inside the continental
14 United States, the per diem allowance may not exceed the rate of \$16.
15 For travel outside the continental United States, the per diem allow-
16 ance may not exceed the rate established by the President or his desig-
17 nee, who may be the Director of the Bureau of the Budget or another
18 officer of the Government of the United States, for the locality where
19 the travel is performed.

20 (b) An employee who, while traveling on official business away
21 from his designated post of duty, becomes incapacitated by illness
22 or injury not due to his own misconduct is entitled to the per diem
23 allowances, and transportation expenses to his designated post of duty,
24 under regulations prescribed under section 5707 of this title.

25 (c) Under regulations prescribed under section 5707 of this title, the
26 head of the agency concerned may prescribe conditions under which an
27 employee may be reimbursed for the actual and necessary expenses of
28 the trip, not to exceed an amount named in the travel authorization,
29 when the maximum per diem allowance would be much less than these
30 expenses due to the unusual circumstances of the travel assignment.
31 The amount named in the travel authorization may not exceed—

32 (1) \$30 for each day in a travel status inside the continental
33 United States; or

34 (2) the maximum per diem allowance plus \$10 for each day in a
35 travel status outside the continental United States.

36 (d) This section does not apply to a justice or judge covered by sec-
37 tion 456 of title 28.

38 **§ 5703. Per diem, travel, and transportation expenses; experts and**
39 **consultants; individuals serving without pay**

40 (a) For the purpose of this section, "appropriation" includes funds
41 made available by statute under section 849 of title 31.

(b) An individual employed intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis may be allowed travel expenses under this subchapter while away from his home or regular place of business, including a per diem allowance under this subchapter while at his place of employment.

(c) An individual serving without pay or at \$1 a year may be allowed transportation expenses and a per diem allowance under this subchapter while en route and at his place of service or employment away from his home or regular place of business. Unless a higher rate is named in an appropriation or other statute, the per diem allowance may not exceed—

(1) the rate of \$16 for travel inside the continental United States; and

(2) the rates established under section 5702(a) of this title for travel outside the continental United States.

(d) Under regulations prescribed under section 5707 of this title, the head of the agency concerned may prescribe conditions under which an individual to whom this section applies may be reimbursed for the actual and necessary expenses of the trip, not to exceed an amount named in the travel authorization, when the maximum per diem allowance would be much less than these expenses due to the unusual circumstances of the travel assignment. The amount named in the travel authorization may not exceed—

(1) \$30 for each day in a travel status inside the continental United States; or

(2) the maximum per diem allowance plus \$10 for each day in a travel status outside the continental United States.

§ 5704. Mileage and related allowances

(a) Under regulations prescribed under section 5707 of this title, an employee or other individual performing service for the Government, who is engaged on official business inside or outside his designated post of duty or place of service, is entitled to not in excess of—

(1) 8 cents a mile for the use of a privately owned motorcycle; or

(2) 12 cents a mile for the use of a privately owned automobile or airplane;

instead of the actual expenses of transportation when that mode of transportation is authorized or approved as more advantageous to the Government. A determination of advantage is not required when

1 payment on a mileage basis is limited to the cost of travel by common
2 carrier including per diem.

3 (b) In addition to the mileage allowance under subsection (a) of
4 this section, the employee or other individual performing service for
5 the Government may be reimbursed for—

- 6 (1) parking fees;
- 7 (2) ferry fares; and
- 8 (3) bridge, road, and tunnel tolls.

9 **§ 5705. Advancements and deductions**

10 — An agency may advance, through the proper disbursing official, to
11 an employee or individual entitled to per diem or mileage allowances
12 under this subchapter, a sum considered advisable with regard to
13 the character and probable duration of the travel to be performed. A
14 sum advanced and not used for allowable travel expenses is recoverable
15 from the employee or individual or his estate by—

- 16 (1) setoff against accrued pay, retirement credit, or other
- 17 amount due the employee or individual;
- 18 (2) deduction from an amount due from the United States;
- 19 and
- 20 (3) such other method as is provided by law.

21 **§ 5706. Allowable travel expenses**

22 — Except as otherwise permitted by this subchapter or by statutes re-
23 lating to members of the uniformed services, only actual and necessary
24 travel expenses may be allowed to an individual holding employ-
25 ment or appointment under the United States.

26 **§ 5707. Regulations**

27 The Director of the Bureau of the Budget shall prescribe regulations
28 necessary for the administration of this subchapter. The fixing, pay-
29 ment, advancement, and recovery of travel allowances, and the reim-
30 bursement of travel expenses, under this subchapter shall be in ac-
31 cordance with the regulations.

32 **§ 5708. Effect on other statutes**

33 This subchapter does not modify or repeal—

- 34 (1) any statute providing for the traveling expenses of the
- 35 President;
- 36 (2) any statute providing for mileage allowances for Members
- 37 of Congress;
- 38 (3) any statute fixing or permitting rates higher than the
- 39 maximum rates established under this subchapter; or
- 40 (4) any appropriation statute item for examination of esti-
- 41 mates in the field.

SUBCHAPTER II—TRAVEL AND TRANSPORTATION EXPENSES; NEW APPOINTEES, STUDENT TRAINEES, AND TRANSFERRED EMPLOYEES

§ 5721. Definitions

For the purpose of this subchapter—

(1) “agency” means—

(A) an Executive agency;

(B) a military department;

(C) a court of the United States;

(D) the Administrative Office of the United States Courts;

(E) the Library of Congress;

(F) the Botanic Garden;

(G) the Government Printing Office; and

(H) the government of the District of Columbia;

but does not include a Government controlled corporation;

(2) “employee” means an individual employed in or under an agency;

(3) “continental United States” means the several States and the District of Columbia, but does not include Alaska or Hawaii;

(4) “Government” means the Government of the United States and the government of the District of Columbia; and

(5) “appropriation” includes funds made available by statute under section 849 of title 31.

§ 5722. Travel and transportation expenses of new appointees; posts of duty outside the continental United States

(a) Under such regulations as the President may prescribe and subject to subsections (b) and (c) of this section, an agency may pay from its appropriations—

(1) travel expenses of a new appointee and transportation expenses of his immediate family and his household goods and personal effects from the place of actual residence at the time of appointment to the place of employment outside the continental United States; and

(2) these expenses on the return of an employee from his post of duty outside the continental United States to the place of his actual residence at the time of assignment to duty outside the United States.

(b) An agency may pay expenses under subsection (a) (1) of this section only after the individual selected for appointment agrees in writing to remain in the Government service for a minimum period of—

1 (1) one school year as determined under chapter 25 of title
 2 20, if selected for appointment to a teaching position, except
 3 as a substitute, in the Department of Defense under that chapter;
 4 or

5 (2) 12 months after his appointment, if selected for appoint-
 6 ment to any other position;

7 unless separated for reasons beyond his control which are acceptable
 8 to the agency concerned. If the individual violates the agreement,
 9 the money spent by the United States for the expenses is recoverable
 10 from the individual as a debt due the United States.

11 (c) An agency may pay expenses under subsection (a) (2) of this
 12 section only after the individual has served for a minimum period
 13 of—

14 (1) one school year as determined under chapter 25 of title
 15 20, if employed in a teaching position, except as a substitute, in
 16 the Department of Defense under that chapter; or

17 (2) not less than one nor more than 3 years prescribed in
 18 advance by the head of the agency, if employed in any other
 19 position;

20 unless separated for reasons beyond his control which are acceptable
 21 to the agency concerned. These expenses are payable whether the
 22 separation is for Government purposes or for personal convenience.

23 (d) This section does not apply to appropriations for the Foreign
 24 Service, Department of State.

25 **§ 5723. Travel and transportation expenses of new appointees and**
 26 **student trainees; manpower shortage positions**

27 (a) Under such regulations as the President may prescribe and
 28 subject to subsections (b) and (c) of this section, an agency may pay
 29 from its appropriations—

30 (1) travel expenses of a new appointee, or a student trainee
 31 when assigned on completion of college work, to a position in the
 32 United States for which the Civil Service Commission determines
 33 there is a manpower shortage; and

34 (2) transportation expenses of his immediate family and his
 35 household goods and personal effects;

36 from his place of residence at the time of selection or assignment to his
 37 duty station. If the travel and transportation expenses of a student
 38 trainee were paid when he was appointed, they may not be paid when
 39 he is assigned after completion of college work. Travel expenses pay-
 40 able under this subsection may include the per diem and mileage allow-
 41 ances authorized for employees by subchapter I of this chapter. Ad-

vances of funds may be made for the expenses authorized by this subsection in accordance with section 5724(f).

(b) An agency may pay travel and transportation expenses under subsection (a) of this section only after the individual selected or assigned agrees in writing to remain in the Government service for 12 months after his appointment or assignment, unless separated for reasons beyond his control which are acceptable to the agency concerned. If the individual violates the agreement, the money spent by the United States for the expenses is recoverable from the individual as a debt due the United States.

(c) An agency may pay travel and transportation expenses under subsection (a) of this section whether or not the individual selected has been appointed at the time of the travel.

(d) The Commission may not delegate its authority to determine positions for which there is a manpower shortage for the purpose of this section.

(e) This section does not impair or otherwise affect the authority of an agency under existing statute to pay travel and transportation expenses of individuals named by subsection (a) of this section.

§ 5724. Travel and transportation expenses of employees transferred; advancement of funds; reimbursement on commuted basis

(a) Under such regulations as the President may prescribe and when the head of the agency concerned or his designee authorizes or approves, the agency shall pay from Government funds—

(1) the travel expenses of an employee transferred in the interest of the Government from one official station or agency to another for permanent duty, and the transportation expenses of his immediate family, or a commutation thereof under section 5704 of this title; and

(2) the expenses of transporting, packing, crating, temporarily storing, draying, and unpacking his household goods and personal effects not in excess of 7,000 pounds net weight.

(b) Under such regulations as the President may prescribe, an employee who transports a house trailer or mobile dwelling inside the continental United States, inside Alaska, or between the continental United States and Alaska, for use as a residence, and who otherwise would be entitled to transportation of household goods and personal effects under subsection (a) of this section, is entitled, instead of that transportation, to—

1 (1) a reasonable allowance not in excess of 20 cents a mile for
2 transportation of the house trailer or mobile dwelling, if the
3 trailer or dwelling is transported by the employee; or

4 (2) commercial transportation of the house trailer or mobile
5 dwelling, at Government expense, or reimbursement to the em-
6 ployee therefor, including the payment of necessary tolls, charges,
7 and permit fees, if the trailer or dwelling is not transported by the
8 employee.

9 However, payment under this subsection may not exceed the maxi-
10 mum payment to which the employee otherwise would be entitled under
11 subsection (a) of this section for transportation and temporary stor-
12 age of his household goods and personal effects in connection with
13 this transfer.

14 (c) Under such regulations as the President may prescribe, an
15 employee who transfers between points inside the continental United
16 States, instead of being paid for the actual expenses of transporting,
17 packing, crating, temporarily storing, draying, and unpacking of
18 household goods and personal effects, shall be reimbursed on a com-
19 muted basis at the rates per 100 pounds that are fixed by zones in
20 the regulations. The reimbursement may not exceed the amount
21 which would be allowable for the authorized weight allowance.

22 (d) When an employee transfers to a post of duty outside the
23 continental United States, his expenses of travel and transportation
24 to and from the post shall be allowed to the same extent and with
25 the same limitations prescribed for a new appointee under section
26 5722 of this title.

27 (e) When an employee transfers from one agency to another, the
28 agency to which he transfers pays the expenses authorized by this
29 section.

30 (f) An advance of funds may be made to an employee under the
31 regulations of the President with the same safeguards required under
32 section 5705 of this title.

33 (g) The allowances authorized by this section do not apply to an
34 employee transferred under chapter 14 of title 22.

35 (h) When a transfer is made primarily for the convenience or
36 benefit of an employee, including an employee in the Foreign Service,
37 Department of State, or at his request, his expenses of travel and
38 transportation and the expenses of transporting, packing, crating,
39 temporarily storing, draying, and unpacking of household goods and
40 personal effects may not be allowed or paid from Government funds.

§ 5725. Transportation expenses; employees assigned to danger areas

(a) When an employee of the United States is on duty, or is transferred or assigned to duty, at a place designated by the head of the agency concerned as inside a zone—

(1) from which his immediate family should be evacuated; or

(2) to which they are not permitted to accompany him;

because of military or other reasons which create imminent danger to life or property, or adverse living conditions which seriously affect the health, safety, or accommodations of the immediate family, Government funds may be used to transport his immediate family and household goods and personal effects, under regulations prescribed by the head of the agency, to a location designated by the employee. When circumstances prevent the employee from designating a location, or it is administratively impracticable to determine his intent, the immediate family may designate the location. When the designated location is inside a zone to which movement of families is prohibited under this subsection, the employee or his immediate family may designate an alternate location.

(b) When the employee is assigned to a duty station from which his immediate family is not excluded by the restrictions in subsection (a) of this section, Government funds may be used to transport his immediate family and household goods and personal effects from the designated or alternate location to the duty station.

§ 5726. Storage expenses; household goods and personal effects

(a) For the purpose of this section, "household goods and personal effects" means such personal property of an employee and his dependents as the President may by regulation authorize to be transported or stored, including, in emergencies, motor vehicles authorized to be shipped at Government expense.

(b) Under such regulations as the President may prescribe, an employee, including a new appointee under section 5722 of this title, assigned to a permanent duty station outside the continental United States may be allowed storage expenses and related transportation and other expenses for his household goods and personal effects when—

(1) the duty station is one to which he cannot take or at which he is unable to use his household goods and personal effects; or

(2) the head of the agency concerned authorizes storage of the household goods and personal effects in the public interest or for reasons of economy.

1 The weight of the household goods and personal effects stored under
2 this subsection, together with the weight of property transported
3 under section 5724(a), may not exceed 7,000 pounds net weight,
4 excluding a motor vehicle described by subsection (a) of this section.

5 **§ 5727. Transportation of motor vehicles**

6 (a) Except as specifically authorized by statute, an authorization
7 in a statute or regulation to transport the effects of an employee or
8 other individual at Government expense is not an authorization to
9 transport an automobile.

10 (b) Under such regulations as the President may prescribe, the
11 privately owned motor vehicle of an employee, including a new ap-
12 pointee under section 5722 of this title, may be transported at Gov-
13 ernment expense to, from, and between the continental United States
14 and a post of duty outside the continental United States, or between
15 posts of duty outside the continental United States, when—

16 (1) the employee is assigned to the post of duty for other
17 than temporary duty; and

18 (2) the head of the agency concerned determines that it is
19 in the interest of the Government for the employee to have the
20 use of a motor vehicle at the post of duty.

21 (c) An employee may transport only one motor vehicle under sub-
22 section (b) of this section during a 4-year period, except when the
23 head of the agency concerned determines that replacement of the mo-
24 tor vehicle during the period is necessary for reasons beyond the con-
25 trol of the employee and is in the interest of the Government, and
26 authorizes in advance the transportation under subsection (b) of this
27 section of one additional privately owned motor vehicle as a replace-
28 ment. When an employee has remained in continuous service out-
29 side the United States during the 4-year period after the date of trans-
30 portation under subsection (b) of this section of his motor vehicle,
31 the head of the agency concerned may authorize transportation under
32 subsection (b) of this section of a replacement for that motor vehicle.

33 (d) When the head of an agency authorizes transportation under
34 subsection (b) of this section of a privately owned motor vehicle, the
35 transportation may be by—

36 (1) commercial means, if available at reasonable rates and
37 under reasonable conditions; or

38 (2) Government means on a space-available basis.

39 (e) (1) This section, except subsection (a), does not apply to—

40 (A) the Foreign Service, Department of State; or

41 (B) the Central Intelligence Agency.

(2) This section, except subsection (a), does not affect—

(A) section 1138 of title 22; or

(B) section 403e(4) of title 50.

§ 5728. Travel and transportation expenses; vacation leave

(a) Under such regulations as the President may prescribe, an agency shall pay from its appropriations the expenses of the round-trip travel of an employee, and the transportation of his immediate family, but not household goods, from his post of duty outside the continental United States to the place of his actual residence at the time of appointment or transfer to the post of duty, after he has satisfactorily completed an agreement period of service outside the continental United States and is returning to his actual place of residence to take leave before serving another tour of duty at the same or another post of duty outside the continental United States under a new written agreement made before departing from the post of duty.

(b) Under such regulations as the President may prescribe, an agency shall pay from its appropriations the expenses of the round-trip travel of an employee of the United States appointed by the President, by and with the advice and consent of the Senate, for a term fixed by statute, and of transportation of his immediate family, but not household goods, from his post of duty outside the continental United States to the place of his actual residence at the time of appointment to the post of duty, after he has satisfactorily completed 2 years of service outside the continental United States and is returning to his actual place of residence to take leave before serving at least 2 more years of duty outside the continental United States.

(c) This section does not apply to appropriations for the Foreign Service, Department of State.

§ 5729. Transportation expenses; prior return of family

(a) Under such regulations as the President may prescribe, an agency shall pay from its appropriations, not more than once before the return to the United States or its territories or possessions of an employee whose post of duty is outside the continental United States, to pay the expenses of transporting his immediate family and of shipping his household goods and personal effects from his post of duty to his actual place of residence when—

(1) he has acquired eligibility for that transportation; or

(2) the public interest requires the return of the immediate family for compelling personal reasons of a humanitarian or compassionate nature, such as may involve physical or mental health, death of a member of the immediate family, or obligation im-

1 posed by authority or circumstances over which the individual
2 has no control.

3 (b) Under such regulations as the President may prescribe, an
4 agency shall reimburse from its appropriations an employee whose
5 post of duty is outside the continental United States for the proper
6 transportation expenses of returning his immediate family and his
7 household goods and personal effects to the United States or its terri-
8 tories or possessions, when—

9 (1) their return was made at the expense of the employee be-
10 fore his return and for other than reasons of public interest; and

11 (2) he acquires eligibility for those transportation expenses.

12 (c) This section does not apply to appropriations for the Foreign
13 Service, Department of State.

14 **§ 5730. Funds available**

15 Funds available for travel expenses of an employee are available
16 for expenses of transportation of his immediate family, and funds
17 available for transportation of things are available for transportation
18 of household goods and personal effects, as authorized by this sub-
19 chapter.

20 **§ 5731. Expenses limited to lowest first-class rate**

21 (a) The allowance for actual expenses for transportation may not
22 exceed the lowest first-class rate by the transportation facility used
23 unless it is certified, in accordance with regulations prescribed by the
24 President, that—

25 (1) lowest first-class accommodations are not available; or

26 (2) use of a compartment or other accommodation authorized
27 or approved by the head of the agency concerned or his designee
28 is required for security purposes.

29 (b) Instead of the maximum fixed by subsection (a) of this sec-
30 tion, the allowance to an employee of the United States for actual
31 expenses for transportation on an inter-island steamship in Hawaii
32 may not exceed the rate for accommodations on the steamship that is
33 equivalent as nearly as possible to the rate for the lowest first-class ac-
34 commodations on trans-pacific steamships.

35 **§ 5732. General average contribution; payment or reimbursement**

36 Under such regulations as the President may prescribe, appropria-
37 tions chargeable for the transportation of baggage and household
38 goods and personal effects of employees of the United States, volun-
39 teers as defined by section 8142(a) of this title, and members of the
40 uniformed services are available for the payment or reimbursement
41 of general average contributions required. Appropriations are not

1 available for the payment or reimbursement of general average
2 contributions—

3 (1) required in connection with and applicable to quantities of
4 baggage and household goods and personal effects in excess of
5 quantities authorized by statute or regulation to be transported;

6 (2) when the individual concerned is allowed under statute
7 or regulation a commutation instead of actual transportation
8 expenses; or

9 (3) when the individual concerned selected the means of ship-
10 ment.

11 SUBCHAPTER III—TRANSPORTATION OF REMAINS, 12 DEPENDENTS, AND EFFECTS

13 § 5741. General prohibition

14 Except as specifically authorized by statute, the head of an Execu-
15 tive department or military department may not authorize an ex-
16 penditure in connection with the transportation of remains of a
17 deceased employee.

18 § 5742. Transportation of remains, dependents, and effects; death 19 occurring away from official station or abroad

20 (a) For the purpose of this section, “agency” means—

21 (1) an Executive agency;

22 (2) a military department;

23 (3) an agency in the legislative branch; and

24 (4) an agency in the judicial branch.

25 (b) When an employee dies, the head of the agency concerned,
26 under regulations prescribed by the President and from appropria-
27 tions available for the activity in which the employee was engaged,
28 may pay—

29 (1) the expense of preparing and transporting the remains to
30 the home or official station of the employee, or such other place
31 appropriate for interment as is determined by the head of the
32 agency concerned, if death occurred while the employee was in a
33 travel status away from his official station in the United States
34 or while performing official duties outside the United States or in
35 transit thereto or therefrom; and

36 (2) the expense of transporting his dependents, including
37 expenses of packing, crating, draying, and transporting house-
38 hold effects and other personal property to his former home or
39 such other place as is determined by the head of the agency
40 concerned, if death occurred while the employee was performing

1 official duties outside the United States or in transit thereto or
2 therefrom.

3 (c) When a dependent of an employee dies while residing with the
4 employee performing official duties outside the continental United
5 States or in Alaska or in transit thereto or therefrom, the head of the
6 agency concerned may pay the necessary expenses of transporting the
7 remains to the home of the dependent, or such other place appropriate
8 for interment as is determined by the head of the agency concerned.
9 If practicable, the agency concerned in respect of the deceased may
10 furnish mortuary services and supplies on a reimbursable basis when—

11 (1) local commercial mortuary facilities and supplies are not
12 available; or

13 (2) the cost of available mortuary facilities and supplies are
14 prohibitive in the opinion of the head of the agency.

15 Reimbursement for the cost of mortuary services and supplies fur-
16 nished under this subsection shall be collected and credited to current
17 appropriations available for the payment of these costs.

18 (d) The benefits of this section may not be denied because the
19 deceased was temporarily absent from duty when death occurred.

20 CHAPTER 59—ALLOWANCES

21 SUBCHAPTER I—UNIFORMS

Sec.

5901. Uniform allowances.

22 SUBCHAPTER II—QUARTERS

Sec.

5911. Quarters and facilities; employees in the United States.

5912. Quarters in Government owned or rented buildings; employees in foreign
countries.

5913. Official residence expenses.

23 SUBCHAPTER III—OVERSEAS DIFFERENTIALS AND 24 ALLOWANCES

Sec.

5921. Definitions.

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5923. Quarters allowances.

5924. Cost-of-living allowances.

5925. Post differentials.

25 SUBCHAPTER IV—MISCELLANEOUS ALLOWANCES

Sec.

5941. Allowances based on living costs and conditions of environment; employees
stationed outside continental United States or in Alaska.

5942. Allowance based on duty on California offshore islands.

5943. Foreign currency appreciation allowances.

5944. Illness and burial expenses; native employees in foreign countries.

5945. Notary public commission expenses.

5946. Membership fees; expenses of attendance at meetings; limitations.

SUBCHAPTER I—UNIFORMS

§ 5901. Uniform allowances

(a) There is authorized to be appropriated annually to each agency of the Government of the United States, including a Government owned corporation, and of the government of the District of Columbia, on a showing of necessity or desirability, an amount not to exceed \$100 multiplied by the number of employees of the agency who are required by regulation or statute to wear a prescribed uniform in the performance of official duties and who are not being furnished with the uniform. The head of the agency concerned, out of funds made available by the appropriation, shall—

(1) furnish to each of these employees a uniform at a cost not to exceed \$100 a year; or

(2) pay to each of these employees an allowance for a uniform not to exceed \$100 a year.

The allowance may be paid only at the times and in the amounts authorized by the regulations prescribed under subsection (d) of this section.

(b) When the furnishing of a uniform or the payment of a uniform allowance is authorized under another statute or regulation existing on September 1, 1954, the head of the agency concerned may continue the furnishing of the uniform or the payment of the uniform allowance under that statute or regulation, but in that event a uniform may not be furnished or allowance paid under this section.

(c) An allowance paid under this section is not wages within the meaning of section 409 of title 42 or chapters 21 and 24 of title 26.

(d) The Director of the Bureau of the Budget shall prescribe regulations necessary for the uniform administration of this section.

SUBCHAPTER II—QUARTERS

§ 5911. Quarters and facilities; employees in the United States

(a) For the purpose of this section—

(1) "Government" means the Government of the United States;

(2) "agency" means an Executive agency, but does not include the Tennessee Valley Authority;

(3) "employee" means an employee of an agency;

(4) "United States" means the several States, the District of Columbia, and the territories and possessions of the United States including the Commonwealth of Puerto Rico;

1 (5) "quarters" means quarters owned or leased by the Govern-
2 ment; and

3 (6) "facilities" means household furniture and equipment, ga-
4 rage space, utilities, subsistence, and laundry service.

5 (b) The head of an agency may provide, directly or by contract, an
6 employee stationed in the United States with quarters and facilities,
7 when conditions of employment or of availability of quarters warrant
8 the action.

9 (c) Rental rates for quarters provided for an employee under sub-
10 section (b) of this section or occupied on a rental basis by an em-
11 ployee or member of a uniformed service under any other provision
12 of statute, and charges for facilities made available in connection with
13 the occupancy of the quarters, shall be based on the reasonable value
14 of the quarters and facilities to the employee or member concerned,
15 in the circumstances under which the quarters and facilities are pro-
16 vided, occupied, or made available. The amounts of the rates and
17 charges shall be paid by, or deducted from the pay of, the employee
18 or member of a uniformed service, or otherwise charged against him
19 in accordance with law. The amounts of payroll deductions for the
20 rates and charges shall remain in the applicable appropriation or
21 fund. When payment of the rates and charges is made by other than
22 payroll deductions, the amounts of payment shall be credited to the
23 Government as provided by law.

24 (d) When, as an incidental service in support of a program of the
25 Government, quarters and facilities are provided by appropriate au-
26 thority of the Government to an individual other than an employee
27 or member of a uniformed service, the rates and charges therefor shall
28 be determined in accordance with this section. The amounts of pay-
29 ment of the rates and charges shall be credited to the Government as
30 provided by law.

31 (e) The head of an agency may not require an employee or member
32 of a uniformed service to occupy quarters on a rental basis, unless the
33 agency head determines that necessary service cannot be rendered,
34 or that property of the Government cannot adequately be protected,
35 otherwise.

36 (f) The President may prescribe regulations governing the provi-
37 sion, occupancy, and availability of quarters and facilities, the determi-
38 nation of rates and charges therefor, and other related matters, neces-
39 sary and appropriate to carry out this section. The head of each
40 agency may prescribe regulations, not inconsistent with the regula-

tions of the President, necessary and appropriate to carry out the functions of the agency head under this section.

(g) Subsection (c) of this section does not repeal or modify any provision of statute authorizing the provision of quarters or facilities, either without charge or at rates or charges specifically fixed by statute.

§ 5912. Quarters in Government owned or rented buildings; employees in foreign countries

Under regulations prescribed by the head of the agency concerned and approved by the President, an employee who is a citizen of the United States permanently stationed in a foreign country may be furnished, without cost to him, living quarters, including heat, fuel, and light, in a Government owned or rented building. The rented quarters may be furnished only within the limits of appropriations made therefor.

§ 5913. Official residence expenses

(a) For the purpose of this section, "agency" has the meaning given it by section 5721 of this title.

(b) Under such regulations as the President may prescribe, funds available to an agency for administrative expenses may be allotted to posts in foreign countries to defray the unusual expenses incident to the operation and maintenance of official residences suitable for—

(1) the chief representatives of the United States at the posts; and

(2) such other senior officials of the Government of the United States as the President may designate.

SUBCHAPTER III—OVERSEAS DIFFERENTIALS AND ALLOWANCES

§ 5921. Definitions

For the purpose of this subchapter—

(1) "Government" means the Government of the United States;

(2) "agency" means an Executive agency and the Library of Congress, but does not include a Government controlled corporation;

(3) "employee" means an employee in or under an agency and more specifically defined by regulations prescribed by the President;

(4) "United States", when used in a geographical sense, means the several States and the District of Columbia;

(5) "continental United States" means the several States and

1 the District of Columbia, but does not include Alaska or Hawaii;
2 and

3 (6) "foreign area" means—

4 (A) the Trust Territory of the Pacific Islands; and

5 (B) any other area outside the United States, the Com-
6 monwealth of Puerto Rico, the Canal Zone, and other ter-
7 ritories and possessions of the United States.

8 **§ 5922. General provisions**

9 (a) Notwithstanding section 5536 of this title and except as other-
10 wise provided by this subchapter, the allowances and differentials
11 authorized by this subchapter may be granted to an employee officially
12 stationed in a foreign area—

13 (1) who is a citizen of the United States; and

14 (2) whose rate of basic pay is fixed by statute or, without
15 taking into consideration the allowances and differentials pro-
16 vided by this subchapter, is fixed by administrative action pursu-
17 ant to law or is fixed administratively in conformity with rates
18 paid by the Government for work of a comparable level of
19 difficulty and responsibility in the continental United States.

20 To the extent authorized by a provision of statute other than this
21 subchapter, the allowances and differentials provided by this sub-
22 chapter may be paid to an employee officially stationed in a foreign
23 area who is not a citizen of the United States.

24 (b) Allowances granted under this subchapter may be paid in
25 advance, or advance of funds may be made therefor, through the
26 proper disbursing official in such sums as are considered advisable in
27 consideration of the need and the period of time during which expendi-
28 tures must be made in advance by the employee. An advance of funds
29 not subsequently covered by allowances accrued to the employee under
30 this subchapter is recoverable by the Government by—

31 (1) setoff against accrued pay, compensation, amount of retire-
32 ment credit, or other amount due the employee from the Govern-
33 ment; and

34 (2) such other method as is provided by law for the recovery
35 of amounts owing to the Government.

36 The head of the agency concerned, under regulations of the Presi-
37 dent, may waive in whole or in part a right of recovery under
38 this subsection, if it is shown that the recovery would be against
39 equity and good conscience or against the public interest.

(c) The allowances and differentials authorized by this subchapter shall be paid under regulations prescribed by the President governing—

(1) payments of the allowances and differentials and the respective rates at which the payments are made;

(2) the foreign areas, the groups of positions, and the categories of employees to which the rates apply; and

(3) other related matters.

§ 5923. Quarters allowances

When Government owned or rented quarters are not provided without charge for an employee in a foreign area, one or more of the following quarters allowances may be granted when applicable:

(1) A temporary lodging allowance for the reasonable cost of temporary quarters incurred by the employee and his family—

(A) for a period not in excess of 3 months after first arrival at a new post of assignment in a foreign area or a period ending with the occupation of residence quarters, whichever is shorter; and

(B) for a period of not more than 1 month immediately before final departure from the post after the necessary evacuation of residence quarters.

(2) A living quarters allowance for rent, heat, light, fuel, gas, electricity, and water, without regard to section 529 of title 31.

(3) Under unusual circumstances, payment or reimbursement for extraordinary, necessary, and reasonable expenses, not otherwise compensated for, incurred in initial repairs, alterations, and improvements to the privately leased residence of an employee at a post of assignment in a foreign area, if—

(A) the expenses are administratively approved in advance; and

(B) the duration and terms of the lease justify payment of the expenses by the Government.

§ 5924. Cost-of-living allowances

The following cost-of-living allowances may be granted, when applicable, to an employee in a foreign area:

(1) A post allowance to offset the difference between the cost of living at the post of assignment of the employee in a foreign area and the cost of living in the District of Columbia.

(2) A transfer allowance for extraordinary, necessary, and reasonable expenses, not otherwise compensated for, incurred by

1 an employee incident to establishing himself at a post of assign-
2 ment in—

3 (A) a foreign area; or

4 (B) the United States between assignments to posts in
5 foreign areas.

6 (3) A separate maintenance allowance to assist an employee
7 who is compelled, because of dangerous, notably unhealthful, or
8 excessively adverse living conditions at his post of assignment
9 in a foreign area, or for the convenience of the Government, to
10 meet the additional expense of maintaining, elsewhere than at the
11 post, his wife or his dependents, or both.

12 (4) An education allowance or payment of travel costs to as-
13 sist an employee with the extraordinary and necessary expenses,
14 not otherwise compensated for, incurred because of his service
15 in a foreign area or foreign areas in providing adequate educa-
16 tion for his dependents, as follows:

17 (A) An allowance not to exceed the cost of obtaining such
18 elementary and secondary educational services as are ordi-
19 narily provided without charge by the public schools in the
20 United States, plus, in those cases when adequate schools are
21 not available at the post of the employee, board and room, and
22 periodic transportation between that post and the nearest
23 locality where adequate schools are available, without regard
24 to section 529 of title 31. The amount of the allowance
25 granted shall be determined on the basis of the educational
26 facility used.

27 (B) The travel expenses of dependents of an employee to
28 and from a school in the United States to obtain an American
29 secondary or undergraduate college education, not to exceed
30 one trip each way for each dependent for the purpose of
31 obtaining each type of education. An allowance payment
32 under subparagraph (A) of this paragraph (4) may not be
33 made for a dependent during the 12 months following his ar-
34 rival in the United States for secondary education under au-
35 thority contained in this subparagraph (B). Notwithstand-
36 ing section 5921(6) of this title, travel expenses, for the
37 purpose of obtaining undergraduate college education, may
38 be authorized under this subparagraph (B), under such regu-
39 lations as the President may prescribe, for dependents of
40 employees who are citizens of the United States stationed in
41 the Canal Zone.

1 **§ 5925. Post differentials**

2 A post differential may be granted on the basis of conditions of en-
3 vironment which differ substantially from conditions of environment
4 in the continental United States and warrant additional pay as a
5 recruitment and retention incentive. A post differential may be
6 granted to an employee officially stationed in the United States who
7 is on extended detail in a foreign area. A post differential may not
8 exceed 25 percent of the rate of basic pay.

9 **SUBCHAPTER IV—MISCELLANEOUS ALLOWANCES**

10 **§ 5941. Allowances based on living costs and conditions of en-**
11 **vironment; employees stationed outside continental**
12 **United States or in Alaska**

13 (a) Appropriations or funds available to an Executive agency,
14 except a Government controlled corporation, for pay of employees
15 stationed outside the continental United States or in Alaska whose
16 rates of basic pay are fixed by statute, are available for allowances to
17 these employees. The allowance is based on—

18 (1) living costs substantially higher than in the District of
19 Columbia;

20 (2) conditions of environment which differ substantially from
21 conditions of environment in the continental United States and
22 warrant an allowance as a recruitment incentive; or

23 (3) both of these factors.

24 The allowance may not exceed 25 percent of the rate of basic pay.
25 Except as otherwise specifically authorized by statute, the allowance
26 is paid only in accordance with regulations prescribed by the Presi-
27 dent establishing the rates and defining the area, groups of positions,
28 and classes of employees to which each rate applies.

29 (b) An employee entitled to a cost-of-living allowance under section
30 5924 of this title may not be paid an allowance under subsection (a)
31 of this section based on living costs substantially higher than in the
32 District of Columbia.

33 **§ 5942. Allowance based on duty on California offshore islands**

34 Notwithstanding section 5536 of this title, an employee who is as-
35 signed to duty, except temporary duty, on one of the California off-
36 shore islands is entitled, in addition to pay otherwise due him, to an
37 allowance of not to exceed \$10 a day. However, the allowance shall
38 be paid under regulations prescribed by the President establishing
39 the rates at which the allowance will be paid, and defining the areas
40 and groups of positions to which the rates apply.

1 **§ 5943. Foreign currency appreciation allowances**

2 (a) The President, under such regulations as he may prescribe and
3 on recommendation of the Director of the Bureau of the Budget, may
4 meet losses sustained by employees and members of the uniformed
5 services while serving in a foreign country due to the appreciation of
6 foreign currency in its relation to the American dollar. Allowances
7 and expenditures under this section are not subject to income taxes.

8 (b) Annual appropriations are authorized to carry out subsection
9 (a) of this section and to cover any deficiency in the accounts of the
10 Secretary of the Treasury, including interest, arising out of the ar-
11 rangement approved by the President on July 27, 1933, for the con-
12 version into foreign currency of checks and drafts of employees and
13 members of the uniformed services for pay and expenses.

14 (c) Payment under subsection (a) of this section may not be made
15 to an employee or member of a uniformed service for a period during
16 which his check or draft was converted into foreign currency under
17 the arrangement referred to by subsection (b) of this section.

18 (d) The Director of the Bureau of the Budget shall report annually
19 to Congress all expenditures made under this section.

20 **§ 5944. Illness and burial expenses; native employees in foreign**
21 **countries**

22 (a) The head of an Executive department or military department
23 which maintains a permanent staff of employees in foreign countries
24 may pay the burial expenses and expenses in connection with the last
25 illness and death of a native employee of his department in a country
26 in which the Secretary of State determines it is customary for employ-
27 ers to pay these expenses. Payment of these expenses may not exceed
28 \$100 in any one case.

29 (b) The head of an Executive department or military department
30 which maintains a permanent staff of employees in foreign countries
31 in which the custom referred to by subsection (a) of this section does
32 not exist, on finding that the immediate family of the deceased is desti-
33 tute, may pay such of the expenses referred to by subsection (a) of this
34 section within the limitations in that subsection to the family, heirs
35 at law, or persons responsible for the debts of the deceased, as the em-
36 ployee in charge of the office abroad in which the deceased was em-
37 ployed considers proper.

38 (c) Payments under this section are made from appropriations
39 available to the department concerned for miscellaneous or contingent
40 expenses.

1 **§ 5945. Notary public commission expenses**

2 An employee as defined by section 2105 of this title or an individual
3 employed by the government of the District of Columbia who is re-
4 quired to serve as a notary public in connection with the performance
5 of official business is entitled to an allowance, established by the agency
6 concerned, not in excess of the expense required to obtain the commis-
7 sion. Funds available to an agency concerned for personal services
8 or general administrative expenses are available to carry out this
9 section.

10 **§ 5946. Membership fees; expenses of attendance at meetings;**
11 **limitations**

12 Except as authorized by a specific appropriation, by express terms
13 in a general appropriation, or by sections 4109 and 4110 of this title,
14 appropriated funds may not be used for payment of—

- 15 (1) membership fees or dues of an employee as defined by sec-
16 tion 2105 of this title or an individual employed by the govern-
17 ment of the District of Columbia in a society or association; or
18 (2) expenses of attendance of an individual at meetings or con-
19 ventions of members of a society or association.

20 This section does not prevent the use of appropriations for the Depart-
21 ment of Agriculture for expenses incident to the delivery of lectures,
22 the giving of instructions, or the acquiring of information at meetings
23 by its employees on subjects relating to the authorized work of the
24 Department.

25 **Subpart E—Attendance and Leave**

26 **CHAPTER 61—HOURS OF WORK**

Sec.

6101. Basic 40-hour workweek; work schedules; regulations.
6102. Eight-hour day; 40-hour workweek; wage-board employees.
6103. Holidays.
6104. Holidays; daily, hourly, and piece-work basis employees.
6105. Closing of Executive departments.
6106. Time clocks; restrictions.

27 **§ 6101. Basic 40-hour workweek; work schedules; regulations**

28 (a) The head of each Executive agency, military department, and
29 of the government of the District of Columbia shall—

- 30 (1) establish a basic administrative workweek of 40 hours for
31 each full-time employee in his organization; and
32 (2) require that the hours of work within that workweek be
33 performed within a period of not more than 6 of any 7 consecutive
34 days.

35 (b) Except when the head of an Executive agency, a military de-
36 partment, or of the government of the District of Columbia deter-

1 mines that his organization would be seriously handicapped in carry-
 2 ing out its functions or that costs would be substantially increased,
 3 he shall provide, with respect to each employee in his organization,
 4 that—

5 (1) assignments to tours of duty are scheduled in advance
 6 over periods of not less than 1 week;

7 (2) the basic 40-hour workweek is scheduled on 5 days, Monday
 8 through Friday when possible, and the 2 days outside the basic
 9 workweek are consecutive;

10 (3) the working hours in each day in the basic workweek are
 11 the same;

12 (4) the basic nonovertime workday may not exceed 8 hours;

13 (5) the occurrence of holidays may not affect the designation
 14 of the basic workweek; and

15 (6) breaks in working hours of more than 1 hour may not be
 16 scheduled in a basic workday.

17 (c) The Architect of the Capitol may apply this section to em-
 18 ployees under the Office of the Architect of the Capitol or the Botanic
 19 Garden. The Librarian of Congress may apply this section to em-
 20 ployees under the Library of Congress.

21 (d) For the purpose of this section, “employee” includes an indi-
 22 vidual employed by the government of the District of Columbia, but
 23 does not include an employee or individual excluded from the defini-
 24 tion of employee in section 5541 (2) of this title.

25 (e) The Civil Service Commission may prescribe regulations, sub-
 26 ject to the approval of the President, necessary for the administration
 27 of this section insofar as this section affects employees in or under the
 28 executive branch.

29 **§ 6102. Eight-hour day; 40-hour workweek; wage-board employees**

30 The regular hours of work for an employee whose basic rate of pay
 31 is fixed and adjusted from time to time in accordance with prevailing
 32 rates by wage boards or similar administrative authority serving the
 33 same purpose are established at not more than 8 a day or 40 a week.
 34 However, work in excess of these hours is permitted when adminis-
 35 tratively determined to be in the public interest.

36 **§ 6103. Holidays**

37 (a) The following are legal public holidays:

38 January 1, New Year’s Day.

39 February 22, Washington’s Birthday.

40 May 30, Memorial Day.

41 July 4, Independence Day.

1 The first Monday in September, Labor Day.

2 November 11, Veterans Day.

3 The fourth Thursday in November, Thanksgiving Day.

4 December 25, Christmas.

5 (b) For the purpose of statutes relating to pay and leave of em-
6 ployees, with respect to a legal public holiday and any other day de-
7 clared to be a holiday by Federal statute or Executive order, the fol-
8 lowing rules apply:

9 (1) Instead of a holiday that occurs on a Saturday, the Friday
10 immediately before is a legal public holiday for—

11 (A) employees whose basic workweek is Monday through
12 Friday; and

13 (B) the purpose of section 6309 of this title.

14 (2) Instead of a holiday that occurs on a regular weekly non-
15 workday of an employee whose basic workweek is other than
16 Monday through Friday, except the regular weekly nonworkday
17 administratively scheduled for the employee instead of Sunday,
18 the workday immediately before that regular weekly nonworkday
19 is a legal public holiday for the employee.

20 This section, except subparagraph (B) of paragraph (1), does not
21 apply to an employee whose basic workweek is Monday through
22 Saturday.

23 (c) January 20 of each fourth year after 1965, Inauguration Day,
24 is a legal public holiday for the purpose of statutes relating to pay and
25 leave of employees as defined by section 2105 of this title and individ-
26 uals employed by the government of the District of Columbia employed
27 in the District of Columbia, Montgomery and Prince Georges Counties
28 in Maryland, Arlington and Fairfax Counties in Virginia, and the
29 cities of Alexandria and Falls Church in Virginia. When January 20
30 of any fourth year after 1965 falls on Sunday, the next succeeding day
31 selected for the public observance of the inauguration of the President
32 is a legal public holiday for the purpose of this subsection.

33 **§ 6104. Holidays; daily, hourly, and piece-work basis employees**

34 When a regular employee as defined by section 2105 of this title or
35 an individual employed regularly by the government of the District of
36 Columbia, whose pay is fixed at a daily or hourly rate, or on a piece-
37 work basis, is relieved or prevented from working on a day—

38 (1) on which agencies are closed by Executive order, or, for
39 individuals employed by the government of the District of Co-
40 lumbia, by order of the Board of Commissioners;

41 (2) by administrative order under regulations issued by the

1 President, or, for individuals employed by the government of the
2 District of Columbia, by the Board of Commissioners; or

3 (3) solely because of the occurrence of a legal public holiday
4 under section 6103 of this title, or a day declared a holiday by
5 Federal statute, Executive order, or, for individuals employed
6 by the government of the District of Columbia, by order of the
7 Board of Commissioners;

8 he is entitled to the same pay for that day as for a day on which an
9 ordinary day's work is performed.

10 § 6105. Closing of Executive departments

11 An Executive department may not be closed as a mark to the memory
12 of a deceased former official of the United States.

13 § 6106. Time clocks; restrictions

14 A recording clock may not be used to record time of an employee
15 of an Executive department in the District of Columbia.

16 CHAPTER 63—LEAVE

17 SUBCHAPTER I—ANNUAL AND SICK LEAVE

Sec.

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19 SUBCHAPTER I—ANNUAL AND SICK LEAVE

20 § 6301. Definitions

21 For the purpose of this subchapter—

22 (1) "United States", when used in a geographical sense, means
23 the several States and the District of Columbia; and

24 (2) "employee" means—

25 (A) an employee as defined by section 2105 of this title;
26 and

27 (B) an individual employed by the government of the
28 District of Columbia;

29 but does not include—

30 (i) a teacher or librarian of the public schools of the Dis-
31 trict of Columbia;

(ii) a part-time employee, except an hourly employee in the postal field service, who does not have an established regular tour of duty during the administrative workweek;

(iii) a temporary employee engaged in construction work at an hourly rate;

(iv) an employee of the Canal Zone Government or the Panama Canal Company when employed on the Isthmus of Panama;

(v) a physician, dentist, or nurse in the Department of Medicine and Surgery, Veterans' Administration;

(vi) an employee of the Senate or House of Representatives;

(vii) an employee of a corporation supervised by the Farm Credit Administration if private interests elect or appoint a member of the board of directors;

(viii) an alien employee who occupies a position outside the United States, except as provided by section 6310 of this title;

(ix) a "teacher" or an individual holding a "teaching position" as defined by section 901 of title 20;

(x) an officer in the executive branch or in the government of the District of Columbia who is appointed by the President and whose rate of basic pay exceeds the highest rate payable under section 5332 of this title;

(xi) an officer in the executive branch or in the government of the District of Columbia who is designated by the President, except a postmaster, United States attorney, or United States marshal; or

(xii) an officer who receives pay under section 866 of title 22.

§ 6302. General provisions

(a) The days of leave provided by this subchapter are days on which an employee would otherwise work and receive pay and are exclusive of holidays and nonworkdays established by Federal statute, Executive order, or administrative order.

(b) For the purpose of this subchapter an employee is deemed employed for a full biweekly pay period if he is employed during the days within that period, exclusive of holidays and nonworkdays established by Federal statute, Executive order, or administrative order, which fall within his basic administrative workweek.

1 (c) A part-time employee, unless otherwise excepted, is entitled to
 2 the benefits provided by subsection (d) of this section and sections
 3 6303, 6304 (a), (b), 6305 (a), 6307, and 6310 of this title on a pro rata
 4 basis.

5 (d) The annual leave provided by this subchapter, including
 6 annual leave that will accrue to an employee during the year, may be
 7 granted at any time during the year as the head of the agency con-
 8 cerned may prescribe.

9 (e) If an officer excepted from this subchapter by section 6301 (2)
 10 (x)–(xii) of this title, without a break in service, again becomes sub-
 11 ject to this subchapter on completion of his service as an excepted
 12 officer, the unused annual and sick leave standing to his credit when
 13 he was excepted from this subchapter is deemed to have remained to
 14 his credit.

15 **§ 6303. Annual leave; accrual**

16 (a) An employee is entitled to annual leave with pay which accrues
 17 as follows—

18 (1) one-half day for each full biweekly pay period for an em-
 19 ployee with less than 3 years of service;

20 (2) three-fourths day for each full biweekly pay period, ex-
 21 cept that the accrual for the last full biweekly pay period in the
 22 year is one and one-fourth days, for an employee with 3 but less
 23 than 15 years of service; and

24 (3) one day for each full biweekly pay period for an employee
 25 with 15 or more years of service.

26 In determining years of service, an employee is entitled to credit for
 27 all service creditable under section 8332 of this title for the purpose of
 28 an annuity under subchapter III of chapter 83 of this title. However,
 29 an employee who is a retired member of a uniformed service as defined
 30 by section 3501 of this title is entitled to credit for active military serv-
 31 ice only if—

32 (A) his retirement was based on disability—

33 (i) resulting from injury or disease received in line of duty
 34 as a direct result of armed conflict; or

35 (ii) caused by an instrumentality of war and incurred in
 36 line of duty during a period of war as defined by sections 101
 37 and 301 of title 38;

38 (B) that service was performed in the armed forces during a
 39 war, or in a campaign or expedition for which a campaign badge
 40 has been authorized; or

(C) on November 30, 1964, he was employed in a position to which this subchapter applies and thereafter he continued to be so employed without a break in service of more than 30 days.

The determination of years of service may be made on the basis of an affidavit of the employee. Leave provided by this subchapter accrues to an employee who is not paid on the basis of biweekly pay periods on the same basis as it would accrue if the employee were paid on the basis of biweekly pay periods.

(b) Notwithstanding subsection (a) of this section, an employee is entitled to annual leave under this subchapter only after being currently employed for a continuous period of 90 days under one or more appointments without a break in service. After completing the 90-day period, the employee is entitled to be credited with the leave that would have accrued to him under subsection (a) of this section except for this subsection.

(c) A change in the rate of accrual of annual leave by an employee under this section takes effect at the beginning of the pay period after the pay period, or corresponding period for an employee who is not paid on the basis of biweekly pay periods, in which the employee completed the prescribed period of service.

(d) Leave granted under this subchapter is exclusive of time actually and necessarily occupied in going to or from a post of duty and time necessarily occupied awaiting transportation, in the case of an employee—

(1) to whom section 6304(b) of this title applies;

(2) whose post of duty is outside the United States; and

(3) who returns on leave to the United States, or to his place of residence, which is outside the area of employment, in its territories or possessions including the Commonwealth of Puerto Rico.

This subsection does not apply to more than one period of leave in a prescribed tour of duty at a post outside the United States.

§ 6304. Annual leave; accumulation

(a) Except as provided by subsection (b) of this section, annual leave provided by section 6303 of this title, which is not used by an employee, accumulates for use in succeeding years until it totals not more than 30 days at the beginning of the first full biweekly pay period, or corresponding period for an employee who is not paid on the basis of biweekly pay periods, occurring in a year.

(b) Annual leave not used by an employee of the Government of the United States in one of the following classes of employees stationed

outside the United States accumulates for use in succeeding years until it totals not more than 45 days at the beginning of the first full biweekly pay period, or corresponding period for an employee who is not paid on the basis of biweekly pay periods, occurring in a year:

(1) Individuals directly recruited or transferred by the Government of the United States from the United States or its territories or possessions including the Commonwealth of Puerto Rico for employment outside the area of recruitment or from which transferred.

(2) Individuals employed locally but—

(A) (i) who were originally recruited from the United States or its territories or possessions including the Commonwealth of Puerto Rico but outside the area of employment;

(ii) who have been in substantially continuous employment by other agencies of the United States, United States firms, interests, or organizations, international organizations in which the United States participates, or foreign governments; and

(iii) whose conditions of employment provide for their return transportation to the United States or its territories or possessions including the Commonwealth of Puerto Rico; or

(B) (i) who were at the time of employment temporarily absent, for the purpose of travel or formal study, from the United States, or from their respective places of residence in its territories or possessions including the Commonwealth of Puerto Rico; and

(ii) who, during the temporary absence, have maintained residence in the United States or its territories or possessions including the Commonwealth of Puerto Rico but outside the area of employment.

(3) Individuals who are not normally residents of the area concerned and who are discharged from service in the armed forces to accept employment with an agency of the Government of the United States.

(c) Annual leave in excess of the amount allowable—

(1) under subsection (a) or (b) of this section which was accumulated under earlier statute; or

(2) under subsection (a) of this section which was accumu-

lated under subsection (b) of this section by an employee who becomes subject to subsection (a) of this section; remains to the credit of the employee until used. The excess annual leave is reduced at the beginning of the first full biweekly pay period, or corresponding period for an employee who is not paid on the basis of biweekly pay periods, occurring in a year, by the amount of annual leave the employee used during the preceding year in excess of the amount which accrued during that year, until the employee's accumulated leave does not exceed the amount allowed under subsection (a) or (b) of this section, as appropriate.

§ 6305. Home leave; foreign-service leave

(a) After 24 months of continuous service outside the United States, an employee may be granted leave of absence, under regulations of the President, at a rate not to exceed 1 week for each 4 months of that service without regard to other leave provided by this subchapter. Leave so granted—

(1) is for use in the United States, or if the employee's place of residence is outside the area of employment, in its territories or possessions including the Commonwealth of Puerto Rico;

(2) accumulates for future use without regard to the limitation in section 6304(b) of this title; and

(3) may not be made the basis for terminal leave or for a lump-sum payment.

(b) The President may authorize leave of absence to an officer excepted from this subchapter by section 6301(2)(xii) of this title for use in the United States and its territories or possessions. Leave so authorized does not constitute a leave system and may not be made the basis for a lump-sum payment.

§ 6306. Annual leave; refund of lump-sum payment; recredit of annual leave

(a) When an individual who received a lump-sum payment for leave under section 5551 of this title is reemployed before the end of the period covered by the lump-sum payment in or under the Government of the United States or the government of the District of Columbia, except in a position excepted from this subchapter by section 6301(2) (ii), (iii), (vi), or (vii) of this title, he shall refund to the employing agency an amount equal to the pay covering the period between the date of reemployment and the expiration of the lump-sum period.

(b) An amount refunded under subsection (a) of this section shall be deposited in the Treasury of the United States to the credit of the

1 employing agency. When an individual is reemployed under the
 2 same leave system, an amount of leave equal to the leave represented
 3 by the refund shall be reccredited to him in the employing agency.
 4 When an individual is reemployed under a different leave system, an
 5 amount of leave equal to the leave represented by the refund shall
 6 be reccredited to him in the employing agency on an adjusted basis
 7 under regulations prescribed by the Civil Service Commission. When
 8 an individual is reemployed in a position excepted from this sub-
 9 chapter by section 6301(2) (x)–(xii) of this title, an amount of leave
 10 equal to the leave represented by the refund is deemed, on separation
 11 from the service, death, or transfer to another position in the service,
 12 to have remained to his credit.

13 **§ 6307. Sick leave; accrual and accumulation**

14 (a) An employee is entitled to sick leave with pay which accrues on
 15 the basis of one-half day for each full biweekly pay period, except that
 16 sick leave with pay accrues to a member of the Firefighting Division
 17 of the Fire Department of the District of Columbia on the basis of
 18 two-fifths of a day for each full biweekly pay period.

19 (b) Sick leave provided by this section, which is not used by an
 20 employee, accumulates for use in succeeding years.

21 (c) When required by the exigencies of the situation, a maximum
 22 of 30 days sick leave with pay may be advanced for serious disability
 23 or ailment, except that a maximum of 24 days sick leave with pay
 24 may be advanced to a member of the Firefighting Division of the
 25 Fire Department of the District of Columbia.

26 **§ 6308. Transfers between positions under different leave systems**

27 The annual and sick leave to the credit of an employee who trans-
 28 fers between positions under different leave systems without a break in
 29 service shall be transferred to his credit in the employing agency on
 30 an adjusted basis under regulations prescribed by the Civil Service
 31 Commission, unless the individual is excepted from this subchapter
 32 by section 6301(2) (ii), (iii), (vi), or (vii) of this title. However,
 33 when a former member receiving a retirement annuity under sections
 34 521–535 of title 4, District of Columbia Code, is reemployed in a posi-
 35 tion to which this subchapter applies, his sick leave balance may not be
 36 reccredited to his account on the later reemployment.

37 **§ 6309. Leave of absence; rural carriers**

38 The authorized absence of a rural carrier on a Saturday which
 39 occurs at the beginning, within, or at the end of a period of annual or
 40 sick leave of at least 5 days' duration, or 4 days' duration if a

1 holiday falls at the beginning, within, or at the end of the period of
 2 annual or sick leave, is without charge to leave or loss of pay. A
 3 Saturday occurring in a period of annual or sick leave taken in a
 4 smaller number of days, at the option of the carrier, may be charged
 5 to his accrued leave and when so charged he is entitled to be paid for
 6 that absence.

7 **§ 6310. Leave of absence; aliens**

8 The head of the agency concerned may grant leave of absence with
 9 pay, not in excess of the amount of annual and sick leave allowable to
 10 citizen employees under this subchapter, to alien employees who
 11 occupy positions outside the United States.

12 **§ 6311. Regulations**

13 The Civil Service Commission may prescribe regulations necessary
 14 for the administration of this subchapter.

15 **SUBCHAPTER II—OTHER PAID LEAVE**

16 **§ 6321. Absence of veterans to attend funeral services**

17 An employee in or under an Executive agency who is a veteran of
 18 a war, or of a campaign or expedition for which a campaign badge
 19 has been authorized, or a member of an honor or ceremonial group of
 20 an organization of those veterans, may be excused from duty without
 21 loss of pay or deduction from annual leave for the time necessary, not
 22 to exceed 4 hours in any one day, to enable him to participate as an
 23 active pallbearer or as a member of a firing squad or a guard of honor
 24 in a funeral ceremony for a member of the armed forces whose
 25 remains are returned from abroad for final interment in the United
 26 States.

27 **§ 6322. Leave for jury service**

28 Except as provided by section 5515 of this title, the pay of an
 29 employee as defined by section 2105 of this title or an individual em-
 30 ployed by the government of the District of Columbia may not be
 31 reduced during a period of absence for jury service in a State court or
 32 a court of the United States because of the absence. The period of
 33 absence for jury service is without deduction from other leave of
 34 absence authorized by statute.

35 **§ 6323. Military leave; Reserves and National Guardsmen**

36 (a) An employee as defined by section 2105 of this title (except a
 37 substitute in the postal field service) or an individual employed by the
 38 government of the District of Columbia, permanent or temporary
 39 indefinite, is entitled to leave without loss of pay, time, or performance
 40 or efficiency rating for each day, not in excess of 15 days in a calendar

1 year, in which he is on active duty or is engaged in field or coast
2 defense training under sections 502–505 of title 32 as a Reserve of the
3 armed forces or member of the National Guard.

4 (b) A substitute employee in the postal field service is entitled to
5 leave without loss of pay, time, or efficiency rating for absence, not
6 in excess of 80 hours in a calendar year, because of active duty or
7 field or coast defense training under sections 502–505 of title 32 as
8 a Reserve of the armed forces or member of the National Guard.
9 This leave is on the basis of 1 hour of leave for each period aggre-
10 gating 26 hours of work performed during the calendar year im-
11 mediately before the calendar year in which he is ordered to that
12 duty or training. However, he is entitled to this leave only if he
13 worked at least 1,040 hours during that calendar year.

14 **§ 6324. Absence of certain police and firemen**

15 (a) Sick leave may not be charged to the account of a member of
16 the Metropolitan Police force or the Fire Department of the District
17 of Columbia, the United States Park Police force, or the White House
18 Police force for an absence due to injury or illness resulting from the
19 performance of duty.

20 (b) The determination of whether an injury or illness resulted
21 from the performance of duty shall be made under regulations
22 prescribed by—

23 (1) the Commissioners of the District of Columbia for mem-
24 bers of the Metropolitan Police force and the Fire Department of
25 the District of Columbia;

26 (2) the Secretary of the Interior for the United States Park
27 Police force; and

28 (3) the Secretary of the Treasury for the White House Police
29 force.

30 **Subpart F—Employee Relations**

31 **CHAPTER 71—POLICIES**

32 **SUBCHAPTER I—EMPLOYEE ORGANIZATIONS**

Sec.

7101. Right to organize; postal employees.

7102. Right to petition Congress; employees.

33 **SUBCHAPTER II—ANTIDISCRIMINATION IN**

34 **EMPLOYMENT**

Sec.

7151. Policy.

7152. Marital status.

7153. Physical handicap.

7154. Other prohibitions.

SUBCHAPTER I—EMPLOYEE ORGANIZATIONS

§ 7101. Right to organize; postal employees

A postal employee may not be reduced in rank or pay or removed from the postal service because of—

(1) membership in an organization of postal employees having for its objects, among other things, improvements in the working conditions of its members, including hours of work, pay, and leave of absence, and which is not affiliated with an outside organization imposing an obligation on the employees to engage in a strike, or proposing to assist them in a strike, against the United States; or

(2) presenting, individually or as a member of a group of postal employees, a grievance to Congress or a Member of Congress.

§ 7102. Right to petition Congress; employees

The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.

SUBCHAPTER II—ANTIDISCRIMINATION IN EMPLOYMENT

§ 7151. Policy

It is the policy of the United States to insure equal employment opportunities for employees without discrimination because of race, color, religion, sex, or national origin. The President shall use his existing authority to carry out this policy.

§ 7152. Marital status

The President may prescribe rules which shall prohibit, as nearly as conditions of good administration warrant, discrimination because of marital status in an Executive agency or in the competitive service.

§ 7153. Physical handicap

The President may prescribe rules which shall prohibit, as nearly as conditions of good administration warrant, discrimination because of physical handicap in an Executive agency or in the competitive service with respect to a position the duties of which, in the opinion of the Civil Service Commission, can be performed efficiently by an individual with a physical handicap, except that the employment may not endanger the health or safety of the individual or others.

1 **§ 7154. Other prohibitions**

2 (a) The head of an Executive department or military department
3 may appoint qualified women to positions in the department with the
4 legal pay of the positions to which appointed.

5 (b) In the administration of chapter 51, subchapter III of chapter
6 53, and sections 305 and 3324 of this title, discrimination because of
7 race, color, creed, sex, or marital status is prohibited with respect to
8 an individual or a position held by an individual.

9 (c) The Civil Service Commission may prescribe regulations neces-
10 sary for the administration of subsection (b) of this section.

11 **CHAPTER 73—SUITABILITY, SECURITY, AND CONDUCT**

12 **SUBCHAPTER I—REGULATION OF CONDUCT**

Sec.

7301. Presidential regulations.

13 **SUBCHAPTER II—LOYALTY, SECURITY, AND STRIKING**

Sec.

7311. Loyalty and striking.

7312. Employment and clearance; individuals removed for national security.

14 **SUBCHAPTER III—POLITICAL ACTIVITIES**

Sec.

7321. Political contributions and services.

7322. Political use of authority or influence; prohibition.

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7324. Influencing elections; taking part in political campaigns; prohibitions;
 exceptions.

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15 **SUBCHAPTER IV—FOREIGN DECORATIONS**

Sec.

7341. Receipt and display of foreign decorations.

16 **SUBCHAPTER V—MISCONDUCT**

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7351. Gifts to superiors.

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17 **SUBCHAPTER I—REGULATION OF CONDUCT**

18 **§ 7301. Presidential regulations**

19 The President may prescribe regulations for the conduct of em-
20 ployees in the executive branch.

21 **SUBCHAPTER II—LOYALTY, SECURITY, AND STRIKING**

22 **§ 7311. Loyalty and striking**

23 An individual may not accept or hold a position in the Government
24 of the United States or the government of the District of Columbia
25 if he—

26 (1) advocates the overthrow of our constitutional form of
27 government;

28 (2) is a member of an organization that he knows advocates
29 the overthrow of our constitutional form of government;

(3) participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia; or

(4) is a member of an organization of employees of the Government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the Government of the United States or the government of the District of Columbia.

§ 7312. Employment and clearance; individuals removed for national security

Removal under section 7532 of this title does not affect the right of an individual so removed to seek or accept employment in an agency of the United States other than the agency from which removed. However, the appointment of an individual so removed may be made only after the head of the agency concerned has consulted with the Civil Service Commission. The Commission, on written request of the head of the agency or the individual so removed, may determine whether the individual is eligible for employment in an agency other than the agency from which removed.

SUBCHAPTER III—POLITICAL ACTIVITIES

§ 7321. Political contributions and services

The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that an employee in an Executive agency or in the competitive service is not obliged, by reason of that employment, to contribute to a political fund or to render political service, and that he may not be removed or otherwise prejudiced for refusal to do so.

§ 7322. Political use of authority or influence; prohibition

The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that an employee in an Executive agency or in the competitive service may not use his official authority or influence to coerce the political action of a person or body.

§ 7323. Political contributions; prohibition

An employee in an Executive agency (except one appointed by the President, by and with the advice and consent of the Senate) may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a thing of value for political purposes. An employee who violates this section shall be removed from the service.

1 **§ 7324. Influencing elections; taking part in political campaigns;**
 2 **prohibitions; exceptions**

3 (a) An employee in an Executive agency or an individual employed
 4 by the government of the District of Columbia may not—

5 (1) use his official authority or influence for the purpose of
 6 interfering with or affecting the result of an election; or

7 (2) take an active part in political management or in political
 8 campaigns.

9 For the purpose of this subsection, the phrase “an active part in polit-
 10 ical management or in political campaigns” means those acts of polit-
 11 ical management or political campaigning which were prohibited on
 12 the part of employees in the competitive service before July 19, 1940,
 13 by determinations of the Civil Service Commission under the rules
 14 prescribed by the President.

15 (b) An employee or individual to whom subsection (a) of this section
 16 applies retains the right to vote as he chooses and to express his opinion
 17 on political subjects and candidates.

18 (c) Subsection (a) of this section does not apply to an individual
 19 employed by an educational or research institution, establishment,
 20 agency, or system which is supported in whole or in part by the District
 21 of Columbia or by a recognized religious, philanthropic, or cultural
 22 organization.

23 (d) Subsection (a) (2) of this section does not apply to—

24 (1) an employee paid from the appropriation for the office
 25 of the President;

26 (2) the head or the assistant head of an Executive department
 27 or military department;

28 (3) an employee appointed by the President, by and with the
 29 advice and consent of the Senate, who determines policies to be
 30 pursued by the United States in its relations with foreign powers
 31 or in the nationwide administration of Federal laws;

32 (4) the Commissioners of the District of Columbia; or

33 (5) the Recorder of Deeds of the District of Columbia.

34 **§ 7325. Penalties**

35 An employee or individual who violates section 7324 of this title shall
 36 be removed from his position, and funds appropriated for the position
 37 from which removed thereafter may not be used to pay the employee or
 38 individual. However, if the Civil Service Commission finds by unani-
 39 mous vote that the violation does not warrant removal, a penalty of
 40 not less than 30 days' suspension without pay shall be imposed by
 41 direction of the Commission.

§ 7326. Nonpartisan political activity permitted

Section 7324(a) (2) of this title does not prohibit political activity in connection with—

(1) an election and the preceding campaign if none of the candidates is to be nominated or elected at that election as representing a party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected; or

(2) a question which is not specifically identified with a National or State political party or political party of a territory or possession of the United States.

For the purpose of this section, questions relating to constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, are deemed not specifically identified with a National or State political party or political party of a territory or possession of the United States.

§ 7327. Political activity permitted; employees residing in certain municipalities

(a) Section 7324(a) (2) of this title does not apply to an employee of The Alaska Railroad who resides in a municipality on the line of the railroad in respect to political activities involving that municipality.

(b) The Civil Service Commission may prescribe regulations permitting employees and individuals to whom section 7324 of this title applies to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Commission considers it to be in their domestic interest, when—

(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and

(2) the Commisison determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.

SUBCHAPTER IV—FOREIGN DECORATIONS

§ 7341. Receipt and display of foreign decorations

A present, decoration, or other thing presented or conferred by a foreign government to an employee, a Member of Congress, the President, or a member of a uniformed service shall be tendered through the Department of State and not to the individual in person.

1 The Department may deliver the present, decoration, or thing to the
 2 individual in person only if authorized by statute. After delivery is
 3 authorized by statute, the individual may not publicly show or wear
 4 the present, decoration, or thing. The Secretary of State shall fur-
 5 nish the 89th Congress and each alternate Congress thereafter a list
 6 of retired individuals for whom the Department of State is holding
 7 a present, decoration, or thing under this section.

8 SUBCHAPTER V—MISCONDUCT

9 § 7351. Gifts to superiors

10 An employee may not—

11 (1) solicit a contribution from another employee for a gift to
 12 an official superior;

13 (2) make a donation as a gift to an official superior; or

14 (3) accept a gift from an employee receiving less pay than
 15 himself.

16 An employee who violates this section shall be removed from the
 17 service.

18 § 7352. Excessive and habitual use of intoxicants

19 An individual who habitually uses intoxicating beverages to excess
 20 may not be employed in the competitive service.

21 CHAPTER 75—ADVERSE ACTIONS

22 SUBCHAPTER I—COMPETITIVE SERVICE

Sec.

7501. Cause; procedure; exception.

23 SUBCHAPTER II—PREFERENCE ELIGIBLES

Sec.

7511. Definitions.

7512. Cause; procedure; exception.

24 SUBCHAPTER III—HEARING EXAMINERS

Sec.

7521. Removal.

25 SUBCHAPTER IV—NATIONAL SECURITY

Sec.

7531. Definitions.

7532. Suspension and removal.

7533. Effect on other statutes.

26 SUBCHAPTER I—COMPETITIVE SERVICE

27 § 7501. Cause; procedure; exception

28 (a) An individual in the competitive service may be removed or
 29 suspended without pay only for such cause as will promote the
 30 efficiency of the service.

31 (b) An individual in the competitive service whose removal or
 32 suspension without pay is sought is entitled to reasons in writing and
 33 to—

34 (1) notice of the action sought and of any charges preferred
 35 against him;

- (2) a copy of the charges;
- (3) a reasonable time for filing a written answer to the charges, with affidavits; and
- (4) a written decision on the answer at the earliest practicable date.

Examination of witnesses, trial, or hearing is not required but may be provided in the discretion of the individual directing the removal or suspension without pay. Copies of the charges, the notice of hearing, the answer, the reasons for and the order of removal or suspension without pay, and also the reasons for reduction in grade or pay, shall be made a part of the records of the employing agency, and, on request, shall be furnished to the individual affected and to the Civil Service Commission.

(c) This section applies to a preference eligible employee as defined by section 7511 of this title only if he so elects. This section does not apply to the suspension or removal of an employee under section 7532 of this title.

SUBCHAPTER II—PREFERENCE ELIGIBLES

§ 7511. Definitions

For the purpose of this subchapter—

(1) “preference eligible employee” means a permanent or indefinite preference eligible who has completed a probationary or trial period as an employee of an Executive agency or as an individual employed by the government of the District of Columbia, but does not include an employee whose appointment is required by Congress to be confirmed by, or made with the advice and consent of, the Senate, except an employee whose appointment is made under section 3311 of title 39; and

(2) “adverse action” means a removal, suspension for more than 30 days, furlough without pay, or reduction in rank or pay.

§ 7512. Cause; procedure; exception

(a) An agency may take adverse action against a preference eligible employee, or debar him for future appointment, only for such cause as will promote the efficiency of the service.

(b) A preference eligible employee against whom adverse action is proposed is entitled to—

(1) at least 30 days’ advance written notice, except when there is reasonable cause to believe him guilty of a crime for which a sentence of imprisonment can be imposed, stating any and all reasons, specifically and in detail, for the proposed action;

1 (2) a reasonable time for answering the notice personally and
2 in writing and for furnishing affidavits in support of the answer;
3 and

4 (3) a notice of an adverse decision.

5 (c) This section does not apply to the suspension or removal of a
6 preference eligible employee under section 7532 of this title.

7 SUBCHAPTER III—HEARING EXAMINERS

8 § 7521. Removal

9 A hearing examiner appointed under section 3105 of this title may
10 be removed by the agency in which he is employed only for good cause
11 established and determined by the Civil Service Commission on the
12 record after opportunity for hearing.

13 SUBCHAPTER IV—NATIONAL SECURITY

14 § 7531. Definitions

15 For the purpose of this subchapter, "agency" means—

- 16 (1) the Department of State;
17 (2) the Department of Commerce;
18 (3) the Department of Justice;
19 (4) the Department of Defense;
20 (5) a military department;
21 (6) the Coast Guard;
22 (7) the Atomic Energy Commission;
23 (8) the National Aeronautics and Space Administration; and
24 (9) such other agency of the Government of the United States
25 as the President designates in the best interests of national
26 security.

27 The President shall report any designation to the Committees on the
28 Armed Services of the Congress.

29 § 7532. Suspension and removal

30 (a) Notwithstanding other statutes, the head of an agency may sus-
31 pend without pay an employee of his agency when he considers that
32 action necessary in the interests of national security. To the extent
33 that the head of the agency determines that the interests of national
34 security permit, the suspended employee shall be notified of the reasons
35 for the suspension. Within 30 days after the notification, the sus-
36 pended employee is entitled to submit to the official designated by the
37 head of the agency statements or affidavits to show why he should be
38 restored to duty.

39 (b) Subject to subsection (c) of this section, the head of an agency
40 may remove an employee suspended under subsection (a) of this

1 section when, after such investigation and review as he considers
 2 necessary, he determines that removal is necessary or advisable in
 3 the interests of national security. The determination of the head
 4 of the agency is final.

5 (c) An employee suspended under subsection (a) of this section
 6 who—

- 7 (1) has a permanent or indefinite appointment;
- 8 (2) has completed his probationary or trial period; and
- 9 (3) is a citizen of the United States;

10 is entitled, after suspension and before removal, to—

11 (A) a written statement of the charges against him within 30
 12 days after suspension, which may be amended within 30 days
 13 thereafter and which shall be stated as specifically as security
 14 considerations permit;

15 (B) an opportunity within 30 days thereafter, plus an ad-
 16 ditional 30 days if the charges are amended, to answer the charges
 17 and submit affidavits;

18 (C) a hearing, at the request of the employee, by an agency
 19 authority duly constituted for this purpose;

20 (D) a review of his case by the head of the agency or his
 21 designee, before a decision adverse to the employee is made final;
 22 and

23 (E) a written statement of the decision of the head of the
 24 agency.

25 § 7533. Effect on other statutes

26 This subchapter does not impair the powers vested in the Atomic
 27 Energy Commission by chapter 23 of title 42, or the requirement in
 28 section 2201(d) of title 42 that adequate provision be made for ad-
 29 ministrative review of a determination to dismiss an employee of the
 30 Atomic Energy Commission.

31 CHAPTER 77—APPEALS

32 Sec.

7701. Appeals of preference eligibles.

32 § 7701. Appeals of preference eligibles

33 A preference eligible employee as defined by section 7511 of this
 34 title is entitled to appeal to the Civil Service Commission from an
 35 adverse decision under section 7512 of this title of an administrative
 36 authority so acting. The employee shall submit the appeal in writ-
 37 ing within a reasonable time after receipt of notice of the adverse
 38 decision, and is entitled to appear personally or through a representa-
 39 tive under regulations prescribed by the Commission. The Commis-

1 sion, after investigation and consideration of the evidence submitted,
 2 shall submit its findings and recommendations to the administrative
 3 authority and shall send copies of the findings and recommendations to
 4 the appellant or his representative. The administrative authority
 5 shall take the corrective action that the Commission finally
 6 recommends.

7 **CHAPTER 79—SERVICES TO EMPLOYEES**

Sec.

7901. Health service programs.

7902. Safety programs.

7903. Protective clothing and equipment.

8 **§ 7901. Health service programs**

9 (a) The head of each agency of the Government of the United
 10 States may establish, within the limits of appropriations available, a
 11 health service program to promote and maintain the physical and
 12 mental fitness of employees under his jurisdiction.

13 (b) A health service program may be established by contract or
 14 otherwise, but only—

15 (1) after consultation with the Public Health Service and con-
 16 sideration of its recommendations; and

17 (2) in localities where there are a sufficient number of
 18 employees to warrant providing the service.

19 (c) A health service program is limited to—

20 (1) treatment of on-the-job illness and dental conditions
 21 requiring emergency attention;

22 (2) preemployment and other examinations;

23 (3) referral of employees to private physicians and dentists;
 24 and

25 (4) preventive programs relating to health.

26 (d) The Public Health Service, on request, shall review a health
 27 service program conducted under this section and shall submit com-
 28 ment and recommendations to the head of the agency concerned.

29 (e) When this section authorizes the use of the professional services
 30 of physicians, that authorization includes the use of the professional
 31 services of surgeons and osteopathic practitioners within the scope
 32 of their practice as defined by State law.

33 (f) The health programs conducted by the following agencies are
 34 not affected by this section—

35 (1) the Tennessee Valley Authority;

36 (2) the Canal Zone Government; and

37 (3) the Panama Canal Company.

1 **§ 7902. Safety programs**

2 (a) For the purpose of this section—

3 (1) “employee” means an employee as defined by section 8101
4 of this title; and

5 (2) “agency” means an agency in any branch of the Govern-
6 ment of the United States, including an instrumentality wholly
7 owned by the United States, and the government of the District
8 of Columbia.

9 (b) The Secretary of Labor shall carry out a safety program cover-
10 ing the employment of each employee of an agency, and for that
11 purpose section 941 of title 33, insofar as applicable, applies in the
12 same manner and to the same extent as though incorporated in this
13 section.

14 (c) The President may—

15 (1) establish by Executive order a safety council composed of
16 representatives of the agencies to serve as an advisory body to the
17 Secretary in furtherance of the safety program carried out by the
18 Secretary under subsection (b) of this section; and

19 (2) undertake such other measures as he considers proper to
20 prevent injuries and accidents to employees of the agencies.

21 (d) The head of each agency shall develop and support organized
22 safety promotion to reduce accidents and injuries among employees
23 of his agency, encourage safe practices, and eliminate work hazards
24 and health risks.

25 (e) Each agency shall—

26 (1) keep a record of injuries and accidents to its employees
27 whether or not they result in loss of time or in the payment or
28 furnishing of benefits; and

29 (2) make such statistical or other reports on such forms as the
30 Secretary may prescribe by regulation.

31 **§ 7903. Protective clothing and equipment**

32 Appropriations available for the procurement of supplies and
33 material or equipment are available for the purchase and maintenance
34 of special clothing and equipment for the protection of personnel in
35 the performance of their assigned tasks. For the purpose of this
36 section, “appropriations” includes funds made available by statute
37 under section 849 of title 31.

- 1 **Subpart G—Insurance and Annuities**
- 2 **CHAPTER 81—COMPENSATION FOR WORK INJURIES**
- 3 **SUBCHAPTER I—GENERALLY**
- Sec.
8101. Definitions.
8102. Compensation for disability or death of employee.
8103. Medical services and initial medical and other benefits.
8104. Vocational rehabilitation.
8105. Total disability.
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- Sec.
8171. Compensation for work injuries ; generally.
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8173. Liability under this subchapter exclusive.

SUBCHAPTER I—GENERALLY

§ 8101. Definitions

For the purpose of this subchapter—

(1) “employee” means—

(A) a civil officer or employee in any branch of the Government of the United States, including an officer or employee of an instrumentality wholly owned by the United States;

(B) an individual rendering personal service to the United States similar to the service of a civil officer or employee of the United States, without pay or for nominal pay, when a statute authorizes the acceptance or use of the service, or authorizes payment of travel or other expenses of the individual;

(C) an individual, other than an independent contractor or an individual employed by an independent contractor, employed on the Menominee Indian Reservation in Wisconsin in operations conducted under a statute relating to tribal timber and logging operations on that reservation;

(D) an individual employed by the government of the District of Columbia; and

(E) an individual appointed to a position on the office staff of a former President under section 1(b) of the Act of August 25, 1958 (72 Stat. 838);

but does not include—

(i) a commissioned officer of the Regular Corps of the Public Health Service;

(ii) a commissioned officer of the Reserve Corps of the Public Health Service on active duty;

(iii) a commissioned officer of the Coast and Geodetic Survey; or

(iv) a member of the Metropolitan Police or the Fire Department of the District of Columbia who is pensioned or pensionable under sections 521–535 of title 4, District of Columbia Code;

(2) “physician” includes surgeons and osteopathic practitioners within the scope of their practice as defined by State law;

(3) “medical, surgical, and hospital services and supplies” includes services and supplies by osteopathic practitioners and hospitals within the scope of their practice as defined by State law;

1 (4) “monthly pay” means the monthly pay at the time of
2 injury, or the monthly pay at the time disability begins, or the
3 monthly pay at the time compensable disability recurs, if the
4 recurrence begins more than 6 months after the injured employee
5 resumes regular full-time employment with the United States,
6 whichever is greater, except when otherwise determined under
7 section 8113 of this title with respect to any period;

8 (5) “injury” includes, in addition to injury by accident, a
9 disease proximately caused by the employment;

10 (6) “widow” means the wife living with or dependent for sup-
11 port on the decedent at the time of his death, or living apart for
12 reasonable cause or because of his desertion;

13 (7) “parent” includes stepparents and parents by adoption;

14 (8) “brother” and “sister” mean one who at the time of the
15 death of the employee is under 18 years of age or over that age and
16 incapable of self-support, and include stepbrothers and step-
17 sisters, half brothers and half sisters, and brothers and sisters by
18 adoption, but do not include married brothers or married sisters;

19 (9) “child” means one who at the time of the death of the
20 employee is under 18 years of age or over that age and incapable
21 of self-support, and includes stepchildren, adopted children, and
22 posthumous children, but does not include married children;

23 (10) “grandchild” means one who at the time of the death of
24 the employee is under 18 years of age or over that age and
25 incapable of self-support;

26 (11) “widower” means one who, because of physical or mental
27 disability, was wholly dependent for support on the employee at
28 the time of her death;

29 (12) “compensation” includes the money allowance payable to
30 an employee or his dependents and any other benefits paid for
31 from the Employees’ Compensation Fund, but this does not in any
32 way reduce the amount of the monthly compensation payable for
33 disability or death;

34 (13) “war-risk hazard” means a hazard arising during a war in
35 which the United States is engaged; during an armed conflict in
36 which the United States is engaged, whether or not war has
37 been declared; or during a war or armed conflict between military
38 forces of any origin, occurring in the country in which an in-
39 dividual to whom this subchapter applies is serving; from—

40 (A) the discharge of a missile, including liquids and gas, or
41 the use of a weapon, explosive, or other noxious thing by a

1 hostile force or individual or in combating an attack or an
2 imagined attack by a hostile force or individual;

3 (B) action of a hostile force or individual, including rebel-
4 lion or insurrection against the United States or any of its
5 allies;

6 (C) the discharge or explosion of munitions intended for
7 use in connection with a war or armed conflict with a hostile
8 force or individual;

9 (D) the collision of vessels on convoy or the operation of
10 vessels or aircraft without running lights or without other
11 customary peacetime aids to navigation; or

12 (E) the operation of vessels or aircraft in a zone of hostil-
13 ities or engaged in war activities;

14 (14) "hostile force or individual" means a nation, a subject of a
15 foreign nation, or an individual serving a foreign nation—

16 (A) engaged in a war against the United States or any of
17 its allies;

18 (B) engaged in armed conflict, whether or not war has
19 been declared, against the United States or any of its allies;
20 or

21 (C) engaged in a war or armed conflict between military
22 forces of any origin in a country in which an individual to
23 whom this subchapter applies is serving;

24 (15) "allies" means any nation with which the United States
25 is engaged in a common military effort or with which the United
26 States has entered into a common defensive military alliance; and

27 (16) "war activities" includes activities directly relating to mil-
28 itary operations.

29 § 8102. Compensation for disability or death of employee

30 (a) The United States shall pay compensation as specified by this
31 subchapter for the disability or death of an employee resulting from
32 personal injury sustained while in the performance of his duty, unless
33 the injury or death is—

34 (1) caused by willful misconduct of the employee;

35 (2) caused by the employee's intention to bring about the
36 injury or death of himself or of another; or

37 (3) proximately caused by the intoxication of the injured
38 employee.

39 (b) Disability or death from a war-risk hazard or during or as a
40 result of capture, detention, or other restraint by a hostile force or
41 individual, suffered by an employee who is employed outside the con-

1 tinental United States or in Alaska or in the Canal Zone, is deemed to
 2 have resulted from personal injury sustained while in the performance
 3 of his duty, whether or not the employee was engaged in the course of
 4 employment when the disability or disability resulting in death
 5 occurred or when he was taken by the hostile force or individual. This
 6 subsection does not apply to an individual—

7 (1) whose residence is at or in the vicinity of the place of his
 8 employment and who was not living there solely because of the
 9 exigencies of his employment, unless he was injured or taken
 10 while engaged in the course of his employment; or

11 (2) who is a prisoner of war or a protected individual under
 12 the Geneva Conventions of 1949 and is detained or utilized by
 13 the United States.

14 This subsection does not affect the payment of compensation under
 15 this subchapter derived otherwise than under this subsection, but
 16 compensation for disability or death does not accrue for a period for
 17 which pay, other benefit, or gratuity from the United States accrues
 18 to the disabled individual or his dependents on account of detention
 19 by the enemy or because of the same disability or death, unless that
 20 pay, benefit, or gratuity is refunded or renounced.

21 **§ 8103. Medical services and initial medical and other benefits**

22 (a) The United States shall furnish to an employee who is injured
 23 while in the performance of duty, the services, appliances, and sup-
 24 plies prescribed or recommended by a qualified physician, which the
 25 Secretary of Labor considers likely to cure, give relief, reduce the
 26 degree or the period of disability, or aid in lessening the amount of
 27 the monthly compensation. These services, appliances, and supplies
 28 shall be furnished—

29 (1) whether or not disability has arisen;

30 (2) notwithstanding that the employee has accepted or is en-
 31 titled to receive benefits under subchapter III of chapter 83 of
 32 this title; and

33 (3) by or on the order of United States medical officers and
 34 hospitals, or, when this is not practicable, by or on the order of
 35 private physicians and hospitals designated or approved by the
 36 Secretary.

37 The employee may be furnished transportation and may be paid all
 38 expenses incident to the securing of these services, appliances, and
 39 supplies which the Secretary considers necessary and reasonable.
 40 These expenses, when authorized or approved by the Secretary, shall
 41 be paid from the Employees' Compensation Fund.

(b) The Secretary, under such limitations or conditions as he considers necessary, may authorize the employing agencies to provide for the initial furnishing of medical and other benefits under this section. The Secretary may certify vouchers for these expenses out of the Employees' Compensation Fund when the immediate superior of the employee certifies that the expense was incurred in respect to an injury which was accepted by the employing agency as probably compensable under this subchapter. The Secretary shall prescribe the form and content of the certificate.

§ 8104. Vocational rehabilitation

The Secretary of Labor may direct a permanently disabled individual whose disability is compensable under this subchapter to undergo vocational rehabilitation. The Secretary shall provide for furnishing the vocational rehabilitation services. In providing for these services, the Secretary, insofar as practicable, shall use the services or facilities of State agencies and corresponding agencies which cooperate with the Secretary of Health, Education, and Welfare in carrying out the purposes of chapter 4 of title 29, except to the extent that the Secretary of Labor provides for furnishing these services under section 8103 of this title. The cost of providing these services to individuals undergoing vocational rehabilitation under this section shall be paid from the Employees' Compensation Fund. However, in reimbursing a State or corresponding agency under an arrangement pursuant to this section the cost to the agency reimbursable in full under section 32(b)(1) of title 29 is excluded.

§ 8105. Total disability

(a) If the disability is total, the United States shall pay the employee during the disability monthly monetary compensation equal to 66 $\frac{2}{3}$ percent of his monthly pay, which is known as his basic compensation for total disability.

(b) The loss of use of both hands, both arms, both feet, or both legs, or the loss of sight of both eyes, is *prima facie* permanent total disability.

§ 8106. Partial disability

(a) If the disability is partial, the United States shall pay the employee during the disability monthly monetary compensation equal to 66 $\frac{2}{3}$ percent of the difference between his monthly pay and his monthly wage-earning capacity after the beginning of the partial disability, which is known as his basic compensation for partial disability.

1 (b) The Secretary of Labor may require a partially disabled em-
 2 ployee to report his earnings from employment or self-employment,
 3 by affidavit or otherwise, in the manner and at the times the Secretary
 4 specifies. The employee shall include in the affidavit or report the
 5 value of housing, board, lodging, and other advantages which are part
 6 of his earnings in employment or self-employment and which can be
 7 estimated in money. An employee who—

- 8 (1) fails to make an affidavit or report when required; or
 - 9 (2) knowingly omits or understates any part of his earnings;
- 10 forfeits his right to compensation with respect to any period for which
 11 the affidavit or report was required. Compensation forfeited under
 12 this subsection, if already paid, shall be recovered by a deduction from
 13 the compensation payable to the employee or otherwise recovered
 14 under section 8129 of this title, unless recovery is waived under that
 15 section.

16 (c) A partially disabled employee who—

- 17 (1) refuses to seek suitable work; or
 - 18 (2) refuses or neglects to work after suitable work is offered
- 19 to, procured by, or secured for him;
 20 is not entitled to compensation.

21 **§ 8107. Compensation schedule**

22 (a) If there is a permanent disability involving—

- 23 (1) solely the loss of use of a member or function of the body,
 24 whether or not the cause of the disability originates in a part of
 25 the body other than the member; or
- 26 (2) disfigurement as provided by the schedule in subsection (c)
 27 of this section;

28 the employee is entitled to basic compensation for the period specified
 29 by the schedule at the rate of 66⅔ percent of his monthly pay. The
 30 basic compensation is—

- 31 (A) in addition to compensation for temporary total or tem-
 32 porary partial disability; and
- 33 (B) instead of compensation for permanent disability, except
 34 in a case involving disfigurement and as otherwise provided by
 35 subsection (b) of this section.

36 (b) If an injury causes the total and permanent loss of use of an
 37 arm, a hand, a leg, a foot, or an eye, including loss of binocular vision,
 38 or total and permanent loss of hearing in both ears, whether or not
 39 the disability also involves other impairment of the body, the individ-
 40 ual is entitled—

- 41 (1) for the period specified by the schedule in subsection (c)

of this section, to basic compensation at the rate of $66\frac{2}{3}$ percent of his monthly pay; and

(2) for a later period, to basic compensation as provided by—

(A) section 8105 of this title if the disability is total; or

(B) section 8106 of this title if the disability is partial.

The basic compensation is in addition to compensation for periods of temporary total or temporary partial disability, and is payable notwithstanding subsection (a) of this section and sections 8105 and 8106 of this title.

(c) The compensation schedule is as follows:

(1) Arm lost, 312 weeks' compensation.

(2) Leg lost, 288 weeks' compensation.

(3) Hand lost, 244 weeks' compensation.

(4) Foot lost, 205 weeks' compensation.

(5) Eye lost, 160 weeks' compensation.

(6) Thumb lost, 75 weeks' compensation.

(7) First finger lost, 46 weeks' compensation.

(8) Great toe lost, 38 weeks' compensation.

(9) Second finger lost, 30 weeks' compensation.

(10) Third finger lost, 25 weeks' compensation.

(11) Toe other than great toe lost, 16 weeks' compensation.

(12) Fourth finger lost, 15 weeks' compensation.

(13) Loss of hearing—

(A) complete loss of hearing of one ear, 52 weeks' compensation; or

(B) complete loss of hearing of both ears, 200 weeks' compensation.

(14) Compensation for loss of binocular vision or for loss of 80 percent or more of the vision of an eye is the same as for loss of the eye.

(15) Compensation for loss of more than one phalanx of a digit is the same as for loss of the entire digit. Compensation for loss of the first phalanx is one-half of the compensation for loss of the entire digit.

(16) If, in the case of an arm or a leg, the member is amputated above the wrist or ankle, compensation is the same as for loss of the arm or leg, respectively.

(17) Compensation for loss of use of two or more digits, or one or more phalanges of each of two or more digits, of a hand or foot, is proportioned to the loss of use of the hand or foot occasioned thereby.

1 (18) Compensation for permanent total loss of use of a member
2 is the same as for loss of the member.

3 (19) Compensation for permanent partial loss of use of a
4 member may be for proportionate loss of use of the member.
5 The degree of loss of vision or hearing under this schedule is de-
6 termined without regard to correction.

7 (20) In case of loss of use of more than one member or parts
8 of more than one member as enumerated by this schedule, the
9 compensation is for loss of use of each member or part thereof,
10 and the awards run consecutively. However, when the injury
11 affects only two or more digits of the same hand or foot, para-
12 graph (17) of this subsection applies, and when partial bilateral
13 loss of hearing is involved, compensation is computed on the loss
14 as affecting both ears.

15 (21) For serious disfigurement of the face, head, or neck of a
16 character likely to handicap an individual in securing or main-
17 taining employment, proper and equitable compensation not to
18 exceed \$3,500 shall be awarded in addition to any other compen-
19 sation payable under this schedule.

20 **§ 8108. Reduction of compensation for subsequent injury to same**
21 **member**

22 The period of compensation payable under the schedule in section
23 8107(c) of this title is reduced by the period of compensation paid or
24 payable under the schedule for an earlier injury if—

25 (1) compensation in both cases is for disability of the same
26 member or function or different parts of the same member or
27 function or for disfigurement; and

28 (2) the Secretary of Labor finds that compensation payable
29 for the later disability in whole or in part would duplicate the
30 compensation payable for the preexisting disability.

31 In such a case, for the purposes of disabilities specified by section
32 8107(b) of this title, compensation for disability continuing after the
33 scheduled period starts on expiration of that period as reduced under
34 this section.

35 **§ 8109. Beneficiaries of awards unpaid at death; order of prece-**
36 **dence**

37 (a) If an individual—

38 (1) has sustained disability compensable under section 8107(a)
39 of this title, including a disability compensable under the sched-
40 ule in section 8107(c) of this title because of section 8107(b) of
41 this title;

(2) has filed a valid claim in his lifetime; and

(3) dies from a cause other than the injury before the end of the period specified by the schedule;

the compensation specified by the schedule that is unpaid at his death, whether or not accrued or due at his death, shall be paid—

(A) under an award made before or after the death;

(B) for the period specified by the schedule;

(C) to and for the benefit of the persons then in being within the classes and proportions and on the conditions specified by this section; and

(D) in the following order of precedence:

(i) If there is no child, to the widow or widower.

(ii) If there are both a widow or widower and a child or children, one-half to the widow or widower and one-half to the child or children.

(iii) If there is no widow or widower, to the child or children.

(iv) If there is no survivor in the above classes, to the parent or parents wholly or partly dependent for support on the decedent, or to other wholly dependent relatives listed by section 8133(a) (5) of this title, or to both in proportions provided by regulation.

(v) If there is no survivor in the above classes and no burial allowance is payable under section 8134 of this title, an amount not exceeding that which would be expendable under section 8134 of this title if applicable shall be paid to reimburse a person equitably entitled thereto to the extent and in the proportion that he has paid the burial expenses, but a compensated insurer or other person obligated by law or contract to pay the burial expenses or a State or political subdivision or entity is deemed not equitably entitled.

(b) Payments under subsection (a) of this section, except for an amount payable for a period preceding the death of the individual, are at the basic rate of compensation for permanent disability specified by section 8107(a) of this title even if at the time of death the individual was entitled to the augmented rate specified by section 8110 of this title.

(c) A surviving beneficiary under subsection (a) of this section, except one under subsection (a) (D) (v), does not have a vested right to payment and must be alive to receive payment.

1 (d) A beneficiary under subsection (a) of this section, except one
 2 under subsection (a)(D)(v), ceases to be entitled to payment on
 3 the happening of an event which would terminate his right to com-
 4 pensation for death under section 8133 of this title. When that en-
 5 titlement ceases, compensation remaining unpaid under subsection (a)
 6 of this section is payable to the surviving beneficiary in accordance
 7 with subsection (a) of this section.

8 **§ 8110. Augmented compensation for dependents**

9 (a) For the purpose of this section, "dependent" means—

10 (1) a wife, if—

11 (A) she is a member of the same household as the em-
 12 ployee;

13 (B) she is receiving regular contributions from the em-
 14 ployee for her support; or

15 (C) the employee has been ordered by a court to contribute
 16 to her support;

17 (2) a husband, if wholly dependent on the employee for sup-
 18 port because of his own physical or mental disability;

19 (3) an unmarried child, while living with the employee or re-
 20 ceiving regular contributions from the employee toward his sup-
 21 port, and who is—

22 (A) under 18 years of age; or

23 (B) over 18 years of age and incapable of self-support
 24 because of physical or mental disability; and

25 (4) a parent, while wholly dependent on and supported by the
 26 employee.

27 (b) A disabled employee with one or more dependents is entitled to
 28 have his basic compensation for disability augmented—

29 (1) at the rate of $8\frac{1}{3}$ percent of his monthly pay if that com-
 30 pensation is payable under section 8105 or 8107(a) of this title
 31 including compensation payable under the schedule in section
 32 8107(c) by virtue of section 8107(b) of this title; and

33 (2) at the rate of $8\frac{1}{3}$ percent of the difference between his
 34 monthly pay and his monthly wage-earning capacity if that com-
 35 pensation is payable under section 8106(a) of this title.

36 However, for a period of temporary total disability the augmentation
 37 of basic compensation for disability payable under section 8105 of
 38 this title is limited to that part of the monthly pay of the employee
 39 which is not in excess of \$420.

§ 8111. Additional compensation for services of attendants or vocational rehabilitation

(a) The Secretary of Labor may pay an employee who has been awarded compensation an additional sum of not more than \$125 a month, as the Secretary considers necessary, when the Secretary finds that the service of an attendant is necessary constantly because the employee is totally blind, or has lost the use of both hands or both feet, or is paralyzed and unable to walk, or because of other disability resulting from the injury making him so helpless as to require constant attendance.

(b) The Secretary may pay an individual undergoing vocational rehabilitation under section 8104 of this title additional compensation necessary for his maintenance, but not to exceed \$100 a month.

§ 8112. Maximum and minimum monthly payments

Except as provided by section 8138 of this title, the monthly rate of compensation for disability, including augmented compensation under section 8110 of this title but not including additional compensation under section 8111 of this title, may not exceed \$525 a month, and in case of total disability may not be less than \$180 a month or the amount of the monthly pay of the employee, whichever is less.

§ 8113. Increase or decrease of basic compensation

(a) If an individual—

(1) was a minor or employed in a learner's capacity at the time of injury; and

(2) was not physically or mentally handicapped before the injury;

the Secretary of Labor, on review under section 8128 of this title after the time the wage-earning capacity of the individual would probably have increased but for the injury, shall recompute prospectively the monetary compensation payable for disability on the basis of an assumed monthly pay corresponding to the probable increased wage-earning capacity.

(b) The Secretary, on review under section 8128 of this title after a disabled employee becomes 70 years of age and his wage-earning capacity would probably have decreased because of old age aside from and independently of the effects of the injury, shall recompute prospectively the monetary compensation payable for disability on the basis of an assumed monthly pay corresponding to the probable decreased wage-earning capacity.

1 (c) If an individual without good cause fails to apply for and
 2 undergo vocational rehabilitation when so directed under section 8104
 3 of this title, the Secretary, on review under section 8128 of this title
 4 and after finding that in the absence of the failure the wage-earning
 5 capacity of the individual would probably have substantially in-
 6 creased, may reduce prospectively the monetary compensation of the
 7 individual in accordance with what would probably have been his
 8 wage-earning capacity in the absence of the failure, until the indi-
 9 vidual in good faith complies with the direction of the Secretary.

10 **§ 8114. Computation of pay**

11 (a) For the purpose of this section—

12 (1) “overtime pay” means pay for hours of service in excess
 13 of a statutory or other basic workweek or other basic unit of
 14 worktime, as observed by the employing establishment; and

15 (2) “year” means a period of 12 calendar months, or the equiva-
 16 lent thereof as specified by regulations prescribed by the Sec-
 17 retary of Labor.

18 (b) In computing monetary compensation for disability or death
 19 on the basis of monthly pay, that pay is determined under this section.

20 (c) The monthly pay at the time of injury is deemed one-twelfth
 21 of the average annual earnings of the employee at that time. When
 22 compensation is paid on a weekly basis, the weekly equivalent of the
 23 monthly pay is deemed one-fifty-second of the average annual earn-
 24 ings. However, for so much of a period of total disability as does
 25 not exceed 90 calendar days from the date of the beginning of com-
 26 pensable disability, the compensation, in the discretion of the Secre-
 27 tary of Labor, may be computed on the basis of the actual daily wage
 28 of the employee at the time of injury in which event he may be paid
 29 compensation for the days he would have worked but for the injury.

30 (d) Average annual earnings are determined as follows:

31 (1) If the employee worked in the employment in which he
 32 was employed at the time of his injury during substantially the
 33 whole year immediately preceding the injury and the em-
 34 ployment was in a position for which an annual rate of pay—

35 (A) was fixed, the average annual earnings are the annual
 36 rate of pay; or

37 (B) was not fixed, the average annual earnings are the
 38 product obtained by multiplying his daily wage for the par-
 39 ticular employment, or the average thereof if the daily wage
 40 has fluctuated, by 300 if he was employed on the basis of a

6-day workweek, 280 if employed on the basis of a 5½-day week, and 260 if employed on the basis of a 5-day week.

(2) If the employee did not work in employment in which he was employed at the time of his injury during substantially the whole year immediately preceding the injury, but the position was one which would have afforded employment for substantially a whole year, the average annual earnings are a sum equal to the average annual earnings of an employee of the same class working substantially the whole immediately preceding year in the same or similar employment by the United States in the same or neighboring place, as determined under paragraph (1) of this subsection.

(3) If either of the foregoing methods of determining the average annual earnings cannot be applied reasonably and fairly, the average annual earnings are a sum that reasonably represents the annual earning capacity of the injured employee in the employment in which he was working at the time of the injury having regard to the previous earnings of the employee in Federal employment, and of other employees of the United States in the same or most similar class working in the same or most similar employment in the same or neighboring location, other previous employment of the employee, or other relevant factors. However, the average annual earnings may not be less than 150 times the average daily wage the employee earned in the employment during the days employed within 1 year immediately preceding his injury.

(4) If the employee served without pay or at nominal pay, paragraphs (1), (2), and (3) of this subsection apply as far as practicable, but the average annual earnings of the employee may not exceed the minimum rate of basic pay for GS-15. If the average annual earnings cannot be determined reasonably and fairly in the manner otherwise provided by this section, the average annual earnings shall be determined at the reasonable value of the service performed but not in excess of \$3,600 a year.

(e) The value of subsistence and quarters, and of any other form of remuneration in kind for services if its value can be estimated in money, is included as part of the pay, but account is not taken of—

(1) overtime pay;

(2) additional pay or allowance authorized outside the United States because of differential in cost of living or other special circumstances; or

- 1 (3) bonus or premium pay for extraordinary service including
2 bonus or pay for particularly hazardous service in time of war.

3 **§ 8115. Determination of wage-earning capacity**

4 (a) In determining compensation for partial disability, except per-
5 manent partial disability compensable under sections 8107–8109 of this
6 title, the wage-earning capacity of an employee is determined by his
7 actual earnings if his actual earnings fairly and reasonably represent
8 his wage-earning capacity. If the actual earnings of the employee do
9 not fairly and reasonably represent his wage-earning capacity or if
10 the employee has no actual earnings, his wage-earning capacity as ap-
11 pears reasonable under the circumstances is determined with due re-
12 gard to—

- 13 (1) the nature of his injury;
14 (2) the degree of physical impairment;
15 (3) his usual employment;
16 (4) his age;
17 (5) his qualifications for other employment;
18 (6) the availability of suitable employment; and
19 (7) other factors or circumstances which may affect his wage-
20 earning capacity in his disabled condition.

21 (b) Section 8114(d) of this title is applicable in determining the
22 wage-earning capacity of an employee after the beginning of partial
23 disability.

24 **§ 8116. Limitations on right to receive compensation**

25 (a) While an employee is receiving compensation under this sub-
26 chapter, or if he has been paid a lump sum in commutation of install-
27 ment payments until the expiration of the period during which the
28 installment payments would have continued, he may not receive salary,
29 pay, or remuneration of any type from the United States, except—

- 30 (1) in return for service actually performed; and
31 (2) pension for service in the Army, Navy, or Air Force.

32 However, eligibility for or receipt of benefits under subchapter III
33 of chapter 83 of this title does not impair the right of the employee
34 to compensation for scheduled disabilities specified by section 8107(c)
35 of this title.

36 (b) An individual entitled to benefits under this subchapter because
37 of his injury, or because of the death of an employee, who also is
38 entitled to receive from the United States under a provision of statute
39 other than this subchapter payments or benefits for that injury or
40 death (except proceeds of an insurance policy), because of service by
41 him (or in the case of death, by the deceased) as an employee or in

1 the armed forces, shall elect which benefits he will receive. The
 2 individual shall make the election within 1 year after the injury
 3 or death or within a further time allowed for good cause by the Sec-
 4 retary of Labor. The election when made is irrevocable, except as
 5 otherwise provided by statute.

6 (c) The liability of the United States or an instrumentality thereof
 7 under this subchapter or any extension thereof with respect to the
 8 injury or death of an employee is exclusive and instead of all other
 9 liability of the United States or the instrumentality to the employee,
 10 his legal representative, spouse, dependents, next of kin, and any
 11 other person otherwise entitled to recover damages from the United
 12 States or the instrumentality because of the injury or death in a
 13 direct judicial proceeding, in a civil action, or in admiralty, or by
 14 an administrative or judicial proceeding under a workmen's com-
 15 pensation statute or under a Federal tort liability statute. However,
 16 this subsection does not apply to a master or a member of a crew of
 17 a vessel.

18 **§ 8117. Time of accrual of right**

19 An employee is not entitled to compensation for the first 3 days of
 20 temporary disability, except—

- 21 (1) when the disability exceeds 21 days;
- 22 (2) when the disability is followed by permanent disability;
- 23 or
- 24 (3) as provided by sections 8103 and 8104 of this title.

25 **§ 8118. Election to use annual or sick leave**

26 An employee may use annual or sick leave to his credit at the time
 27 disability begins, but his compensation for disability does not begin,
 28 and the time periods specified by section 8117 of this title do not
 29 begin to run, until the use of the annual or sick leave ends.

30 **§ 8119. Notice of injury; failure to give**

31 (a) An employee injured in the performance of his duty, or some-
 32 one on his behalf, shall give notice thereof. The notice shall—

- 33 (1) be given within 48 hours after the injury;
- 34 (2) be given to the immediate superior of the employee by per-
 35 sonal delivery or by depositing it in the mail properly stamped
 36 and addressed;
- 37 (3) be in writing;
- 38 (4) state the name and address of the employee;
- 39 (5) state the year, month, day, and hour when and the particu-
 40 lar locality where the injury occurred;
- 41 (6) state the cause and nature of the injury; and

1 (7) be signed by and contain the address of the individual giv-
2 ing the notice.

3 (b) Compensation may be allowed only if the notice is given
4 within 48 hours after the injury or if the immediate superior of the
5 employee has actual knowledge of the injury. However, the Secretary
6 of Labor may allow compensation if—

7 (1) the notice is filed within 1 year after the injury and
8 reasonable cause for the delay is shown; or

9 (2) the requirement for 48 hours' notice is waived under sec-
10 tion 8122 of this title.

11 **§ 8120. Report of injury**

12 Immediately after an injury to an employee which results in his
13 death or probable disability, his immediate superior shall report to
14 the Secretary of Labor. The Secretary may—

15 (1) prescribe the information that the report shall contain;

16 (2) require the immediate superior to make supplemental re-
17 ports; and

18 (3) obtain such additional reports and information from em-
19 ployees as are agreed on by the Secretary and the head of the
20 employing agency.

21 **§ 8121. Claim**

22 Compensation under this subchapter may be allowed only if an
23 individual or someone on his behalf makes claim therefor. The claim
24 shall—

25 (1) be made in writing within the time specified by section
26 8122 of this title;

27 (2) be delivered to the office of the Secretary of Labor or to
28 an individual whom the Secretary may designate by regulation,
29 or deposited in the mail properly stamped and addressed to the
30 Secretary or his designee;

31 (3) be on a form furnished by the Secretary;

32 (4) contain all information required by the Secretary;

33 (5) be sworn to by the individual entitled to compensation, or
34 someone on his behalf; and

35 (6) except in case of death, be accompanied by a certificate of
36 the physician of the employee stating the nature of the injury
37 and the nature and probable extent of the disability.

38 The Secretary may waive paragraphs (3)–(6) of this section for
39 reasonable cause shown.

1 **§ 8122. Time for making claim**

2 (a) An original claim for compensation—

3 (1) for death shall be made within 1 year after the death;

4 and

5 (2) for disability shall be made within 60 days after the in-
6 jury.

7 However, the Secretary of Labor may allow an original claim for
8 disability to be made within 1 year after the injury for reasonable
9 cause shown.

10 (b) In a case of latent disability due to radiation or other cause,
11 the time for filing claim does not begin to run until the employee has a
12 compensable disability and is aware, or by the exercise of reasonable
13 diligence should have been aware, of the causal relationship of the
14 compensable disability to his employment. In such a case, the time
15 for giving notice of injury begins to run when the employee is aware,
16 or by the exercise of reasonable diligence should have been aware,
17 that his condition is causally related to his employment, whether or
18 not there is compensable disability.

19 (c) The Secretary may waive compliance with the requirements of
20 this subchapter for giving notice of injury and for filing claim for
21 compensation for disability or death if—

22 (1) a claim is filed within 5 years after the injury or death;

23 and

24 (2) the Secretary finds—

25 (A) that the failure to comply was due to circumstances
26 beyond the control of the individual claiming benefits; or

27 (B) that the individual claiming benefits has shown suffi-
28 cient cause or reason in explanation of, and material prejudice
29 to the interest of the United States has not resulted from,
30 the failure.

31 **§ 8123. Physical examinations**

32 (a) An employee shall submit to examination by a medical officer
33 of the United States, or by a physician designated or approved by the
34 Secretary of Labor, after the injury and as frequently and at the times
35 and places as may be reasonably required. The employee may have a
36 physician designated and paid by him present to participate in the
37 examination. If there is disagreement between the physician making
38 the examination for the United States and the physician of the em-
39 ployee, the Secretary shall appoint a third physician who shall make
40 an examination.

1 (b) An employee is entitled to be paid expenses incident to an
 2 examination required by the Secretary which in the opinion of the
 3 Secretary are necessary and reasonable, including transportation and
 4 loss of wages incurred in order to be examined. The expenses, when
 5 authorized or approved by the Secretary, are paid from the Employ-
 6 ees' Compensation Fund.

7 (c) The Secretary shall fix the fees for examinations held under this
 8 section by physicians not employed by or under contract to the United
 9 States to furnish medical services to employees. The fees, when au-
 10 thorized or approved by the Secretary, are paid from the Employees'
 11 Compensation Fund.

12 (d) If an employee refuses to submit to or obstructs an examina-
 13 tion, his right to compensation under this subchapter is suspended
 14 until the refusal or obstruction stops. Compensation is not payable
 15 while a refusal or obstruction continues, and the period of the refusal
 16 or obstruction is deducted from the period for which compensation is
 17 payable to the employee.

18 § 8124. Findings and award

19 The Secretary of Labor shall determine and make a finding of facts
 20 and make an award for or against payment of compensation under
 21 this subchapter after—

22 (1) considering the claim presented by the beneficiary and the
 23 report furnished by the immediate superior; and

24 (2) completing such investigation as he considers necessary.

25 § 8125. Misbehavior at proceedings

26 If an individual—

27 (1) disobeys or resists a lawful order or process in proceedings
 28 under this subchapter before the Secretary of Labor or his rep-
 29 resentative; or

30 (2) misbehaves during a hearing or so near the place of hearing
 31 as to obstruct it;

32 the Secretary or his representative shall certify the facts to the district
 33 court having jurisdiction in the place where he is sitting. The court,
 34 in a summary manner, shall hear the evidence as to the acts com-
 35 plained of and if the evidence warrants, punish the individual in the
 36 same manner and to the same extent as for a contempt committed
 37 before the court, or commit the individual on the same conditions as
 38 if the forbidden act had occurred with reference to the process of or in
 39 the presence of the court.

§ 8126. Subpenas; oaths; examination of witnesses

The Secretary of Labor, on any matter within his jurisdiction under this subchapter, may—

- (1) issue subpenas for and compel the attendance of witnesses within a radius of 100 miles;
- (2) administer oaths;
- (3) examine witnesses; and
- (4) require the production of books, papers, documents, and other evidence.

§ 8127. Representation; attorneys' fees

(a) A claimant may authorize an individual to represent him in any proceeding under this subchapter before the Secretary of Labor.

(b) A claim for legal or other services furnished in respect to a case, claim, or award for compensation under this subchapter is valid only if approved by the Secretary.

§ 8128. Review of award

(a) The Secretary of Labor may review an award for or against payment of compensation at any time on his own motion or on application. The Secretary, in accordance with the facts found on review, may—

- (1) end, decrease, or increase the compensation previously awarded; or
- (2) award compensation previously refused or discontinued.

(b) The action of the Secretary or his designee in allowing or denying a payment under this subchapter is—

- (1) final and conclusive for all purposes and with respect to all questions of law and fact; and
- (2) not subject to review by another official of the United States or by a court by mandamus or otherwise.

Credit shall be allowed in the accounts of a certifying or disbursing official for payments in accordance with that action.

§ 8129. Recovery of overpayments

(a) When an overpayment has been made to an individual under this subchapter because of an error of fact or law, adjustment shall be made under regulations prescribed by the Secretary of Labor by decreasing later payments to which the individual is entitled. If the individual dies before the adjustment is completed, adjustment shall be made by decreasing later benefits payable under this subchapter with respect to the individual's death.

1 (b) Adjustment or recovery by the United States may not be made
 2 when incorrect payment has been made to an individual who is with-
 3 out fault and when adjustment or recovery would defeat the purpose
 4 of this subchapter or would be against equity and good conscience.

5 (c) A certifying or disbursing official is not liable for an amount
 6 certified or paid by him when—

7 (1) adjustment or recovery of the amount is waived under
 8 subsection (b) of this section; or

9 (2) adjustment under subsection (a) of this section is not com-
 10 pleted before the death of all individuals against whose benefits
 11 deductions are authorized.

12 § 8130. Assignment of claim

13 An assignment of a claim for compensation under this subchapter is
 14 void. Compensation and claims for compensation are exempt from
 15 claims of creditors.

16 § 8131. Subrogation of the United States

17 (a) If an injury or death for which compensation is payable under
 18 this subchapter is caused under circumstances creating a legal lia-
 19 bility on a person other than the United States to pay damages, the
 20 Secretary of Labor may require the beneficiary to—

21 (1) assign to the United States any right of action he may
 22 have to enforce the liability or any right he may have to share
 23 in money or other property received in satisfaction of that lia-
 24 bility; or

25 (2) prosecute the action in his own name.

26 An employee required to appear as a party or witness in the prosecu-
 27 tion of such an action is in an active duty status while so engaged.

28 (b) A beneficiary who refuses to assign or prosecute an action in
 29 his own name when required by the Secretary is not entitled to
 30 compensation under this subchapter.

31 (c) The Secretary may prosecute or compromise a cause of action
 32 assigned to the United States. When the Secretary realizes on the
 33 cause of action, he shall deduct therefrom and place to the credit of
 34 the Employees' Compensation Fund the amount of compensation al-
 35 ready paid to the beneficiary and the expense of realization or collec-
 36 tion. Any surplus shall be paid to the beneficiary and credited on
 37 future payments of compensation payable for the same injury.

38 (d) If an injury or death for which compensation is payable under
 39 this subchapter is caused under circumstances creating a legal liability
 40 in the Panama Canal Company to pay damages under the law of a
 41 State, a territory or possession of the United States, the District of

1 Columbia, or a foreign country, compensation is not payable until
2 the individual entitled to compensation—

3 (1) releases to the Panama Canal Company any right of action
4 he may have to enforce the liability of the Panama Canal Com-
5 pany; or

6 (2) assigns to the United States any right he may have to share
7 in money or other property received in satisfaction of the lia-
8 bility of the Panama Canal Company.

9 **§ 8132. Adjustment after recovery from a third person**

10 If an injury or death for which compensation is payable under this
11 subchapter is caused under circumstances creating a legal liability in
12 a person other than the United States to pay damages, and a benefi-
13 ciary entitled to compensation from the United States for that injury
14 or death receives money or other property in satisfaction of that lia-
15 bility as a result of suit or settlement by him or in his behalf, the
16 beneficiary, after deducting therefrom the costs of suit and a reason-
17 able attorney's fee, shall refund to the United States the amount of
18 compensation paid by the United States and credit any surplus on
19 future payments of compensation payable to him for the same injury.
20 The amount refunded to the United States shall be credited to the
21 Employees' Compensation Fund. If compensation has not been paid
22 to the beneficiary, he shall credit the money or property on compensa-
23 tion payable to him by the United States for the same injury.

24 **§ 8133. Compensation in case of death**

25 (a) If death results from an injury sustained in the performance
26 of duty, the United States shall pay a monthly compensation equal to a
27 percentage of the monthly pay of the deceased employee in accordance
28 with the following schedule:

29 (1) To the widow or widower, if there is no child, 45 percent.

30 (2) To the widow or widower, if there is a child, 40 percent
31 and in addition 15 percent for each child not to exceed a total of
32 75 percent for the widow or widower and children.

33 (3) To the children, if there is no widow or widower, 35 percent
34 for one child and 15 percent additional for each additional child
35 not to exceed a total of 75 percent, divided among the children
36 share and share alike.

37 (4) To the parents, if there is no widow, widower, or child, as
38 follows—

39 (A) 25 percent if one parent was wholly dependent on the
40 employee at the time of death and the other was not depend-
41 ent to any extent;

- 1 (B) 20 percent to each if both were wholly dependent; or
 2 (C) a proportionate amount in the discretion of the Secre-
 3 tary of Labor if one or both were partly dependent.

4 If there is a widow, widower, or child, so much of the percentages
 5 are payable as, when added to the total percentages payable to the
 6 widow, widower, and children, will not exceed a total of 75
 7 percent.

8 (5) To the brothers, sisters, grandparents, and grandchildren,
 9 if there is no widow, widower, child, or dependent parent, as
 10 follows—

11 (A) 20 percent if one was wholly dependent on the
 12 employee at the time of death;

13 (B) 30 percent if more than one was wholly dependent,
 14 divided among the dependents share and share alike; or

15 (C) 10 percent if no one is wholly dependent but one or
 16 more is partly dependent, divided among the dependents
 17 share and share alike.

18 If there is a widow, widower, child, or dependent parent, so much
 19 of the percentages are payable as, when added to the total per-
 20 centages payable to the widow, widower, children, and dependent
 21 parents, will not exceed a total of 75 percent.

22 (b) The compensation payable under subsection (a) of this section
 23 is paid from the time of death until—

24 (1) a widow dies or remarries;

25 (2) a widower dies or remarries or becomes capable of self-
 26 support;

27 (3) a child, a brother, a sister, or a grandchild dies or marries
 28 or becomes 18 years of age, or if over age 18 and incapable of self-
 29 support becomes capable of self-support; or

30 (4) a parent or grandparent dies or marries or ceases to be
 31 dependent.

32 (c) On the cessation of compensation under this section to or on
 33 account of an individual, the compensation of the remaining individ-
 34 uals entitled to compensation for the unexpired part of the period dur-
 35 ing which their compensation is payable, is that which they would
 36 have received if they had been the only individuals entitled to compen-
 37 sation at the time of the death of the employee.

38 (d) When there are two or more classes of individuals entitled
 39 to compensation under this section and the apportionment of compen-
 40 sation under this section would result in injustice, the Secretary may
 41 modify the apportionment to meet the requirements of the case.

(e) The monthly pay for computing compensation under this section is deemed at least \$240, but the total monthly compensation may not exceed the monthly pay computed under section 8114 of this title or \$525, whichever is less.

§ 8134. Funeral expenses; transportation of body

(a) If death results from an injury sustained in the performance of duty, the United States shall pay, to the personal representative of the deceased or otherwise, funeral and burial expenses not to exceed \$800, in the discretion of the Secretary of Labor.

(b) The body of an employee whose home is in the United States, in the discretion of the Secretary, may be embalmed and transported in a hermetically sealed casket to his home or last place of residence at the expense of the Employees' Compensation Fund if—

(1) the employee dies from—

(A) the injury while away from his home or official station or outside the United States; or

(B) from other causes while away from his home or official station for the purpose of receiving medical or other services, appliances, supplies, or examination under this subchapter; and

(2) the relatives of the employee request the return of his body.

If the relatives do not request the return of the body of the employee, the Secretary may provide for its disposition and incur and pay from the Employees' Compensation Fund the necessary and reasonable transportation, funeral, and burial expenses.

§ 8135. Lump-sum payment

The liability of the United States for compensation to a beneficiary in the case of death or of permanent total or permanent partial disability may be discharged by a lump-sum payment equal to the present value of all future payments of compensation computed at 4 percent true discount compounded annually if—

(1) the monthly payment to the beneficiary is less than \$5 a month;

(2) the beneficiary is or is about to become a nonresident of the United States; or

(3) the Secretary of Labor determines that it is for the best interests of the beneficiary.

The probability of the death of the beneficiary before the expiration of the period during which he is entitled to compensation is determined according to the American Experience Table of Mortality, but the lump-sum payment to a widow or widower of the deceased em-

1 ployee may not exceed 60 months' compensation. The probability of
 2 the happening of any other contingency affecting the amount or dura-
 3 tion of compensation is disregarded.

4 **§ 8136. Initial payments outside the United States**

5 If an employe is injured outside the continental United States, the
 6 Secretary of Labor may arrange and provide for initial payment of
 7 compensation and initial furnishing of other benefits under this sub-
 8 chapter by an employee or agent of the United States designated by
 9 the Secretary for that purpose in the locality in which the employee
 10 was employed or the injury occurred.

11 **§ 8137. Compensation for noncitizens and nonresidents**

12 (a) When the Secretary of Labor finds that the amount of com-
 13 pensation payable to an employee who is neither a citizen nor resident
 14 of the United States or Canada, or payable to a dependent of such an
 15 employee, is substantially disproportionate to compensation for dis-
 16 ability or death payable in similar cases under local statute, regulation,
 17 custom, or otherwise at the place outside the continental United States
 18 or Canada where the employee is working at the time of injury, he
 19 may provide for payment of compensation on a basis reasonably in
 20 accord with prevailing local payments in similar cases by—

21 (1) the adoption or adaption of the substantive features, by
 22 a schedule or otherwise, of local workmen's compensation pro-
 23 visions or other local statute, regulation, or custom applicable in
 24 cases of personal injury or death; or

25 (2) establishing special schedules of compensation for injury,
 26 death, and loss of use of members and functions of the body for
 27 specific classes of employees, areas, and places.

28 Irrespective of the basis adopted, the Secretary may at any time—

29 (A) modify or limit the maximum monthly and total aggre-
 30 gate payments for injury, death, and medical or other benefits;

31 (B) modify or limit the percentages of the wage of the em-
 32 ployee payable as compensation for the injury or death; and

33 (C) modify, limit, or redesignate the class or classes of bene-
 34 ficiaries entitled to death benefits, including the designation of
 35 persons, representatives, or groups entitled to payment under local
 36 statute or custom whether or not included in the classes of bene-
 37 ficiaries otherwise specified by this subchapter.

38 (b) In a case under this section, the Secretary or his designee may—

39 (1) make a lump-sum award in the manner prescribed by sec-
 40 tion 8135 of this title when he or his designee considers it to be for
 41 the best interest of the United States; and

(2) compromise and pay a claim for benefits, including a claim in which there is a dispute as to jurisdiction or other fact or a question of law.

Compensation paid under this subsection is instead of all other compensation from the United States for the same injury or death, and a payment made under this subsection is deemed compensation under this subchapter and is satisfaction of all liability of the United States in respect to the particular injury or death.

(c) The Secretary may delegate to an employee or agency of the United States, with such limitations and right of review as he considers advisable, authority to process, adjudicate, commute by lump-sum award, compromise, and pay a claim or class of claims for compensation, and to provide other benefits, locally, under this section, in accordance with such regulations and instructions as the Secretary considers necessary. For this purpose, the Secretary may provide or transfer funds, including reimbursement of amounts paid under this subchapter.

(d) The Secretary may waive the application of this subchapter in whole or in part and for such period or periods as he may fix if he finds that—

(1) conditions prevent the establishment of facilities for processing and adjudicating claims under this section; or

(2) claimants under this section are alien enemies.

(e) The Secretary may apply this section retrospectively with adjustment of compensation and benefits as he considers necessary and proper.

§ 8138. Minimum limit modification for noncitizens and aliens

(a) Except as provided by subsection (b) of this section, the minimum limit on monthly compensation for disability under section 8112 of this title and the minimum limit on monthly pay on which death compensation is computed under section 8133 of this title do not apply in the case of a noncitizen employee, or a class or classes of noncitizen employees, who sustain injury outside the continental United States. The Secretary of Labor may establish a minimum monthly pay on which death compensation is computed in the case of a class or classes of such noncitizen employees.

(b) The President may remove or modify the minimum limit on monthly compensation for disability under section 8112 of this title and the minimum limit on monthly pay on which death compensation is computed under section 8133 of this title in the case of an alien em-

1 ployee, or a class or classes of alien employees, of the Canal Zone Gov-
2 ernment or the Panama Canal Company.

3 **§ 8139. Employees of the District of Columbia**

4 Compensation awarded to an employee of the government of the
5 District of Columbia is paid in the manner provided by statute for
6 the payment of the general expenses of the government of the District
7 of Columbia. The Commissioners of the District of Columbia shall
8 submit annually to Congress, through the Bureau of the Budget, esti-
9 mates of appropriations necessary for this purpose.

10 **§ 8140. Members of the Reserve Officers' Training Corps**

11 (a) Subject to the provisions of this section, this subchapter applies
12 to a member of, or applicant for membership in, the Reserve Officers'
13 Training Corps of the Army, Navy, or Air Force who suffers disability
14 or death from an injury incurred in line of duty—

15 (1) while engaged in a flight or in flight instruction under
16 chapter 103 of title 10; or

17 (2) while performing authorized travel to or from, or while
18 attending, field training or a practice cruise under chapter 103
19 of title 10.

20 (b) For the purpose of this section, an injury is incurred in line
21 of duty only if it is the proximate result of the performance of mili-
22 tary training by the member concerned, or of his travel to or from
23 that training, during the periods specified by subsection (a)(2) of
24 this section. A member or applicant for membership who contracts
25 a disease or illness which is the proximate result of the performance
26 of training during the periods specified by subsection (a)(2) of this
27 section is considered for the purpose of this section to have been in-
28 jured in line of duty during that period. Subject to review by the
29 Secretary of Labor, the Secretary of the military department con-
30 cerned, under regulations prescribed by him, shall determine whether
31 or not an injury, disease, or illness was incurred or contracted in line
32 of duty and was the proximate result of the performance of military
33 training by the member concerned or of his travel to or from that
34 military training.

35 (c) In computing the compensation payable under this section, the
36 monthly pay received by the injured member, in cash and kind, is
37 deemed \$150.

38 (d) The Secretary of the military department concerned shall co-
39 operate fully with the Department of Labor in the prompt investiga-
40 tion and prosecution of a case involving the legal liability of a third
41 party other than the United States.

(e) An individual may not receive disability benefits under this section while on active duty with the armed forces, but these benefits may be reinstated when the individual is released from that active duty.

(f) Expenses incurred by a military department in providing hospitalization, medical and surgical care, necessary transportation incident to that hospitalization or medical and surgical care, or in connection with a funeral and burial on behalf of an individual covered by subsection (a) of this section shall be reimbursed by the Secretary of Labor from the Employees' Compensation Fund in accordance with this subchapter. However, reimbursement may not be made for hospitalization or medical or surgical care provided an individual while attending field training or a practice cruise under chapter 103 of title 10.

§ 8141. Civil Air Patrol volunteers.

(a) Subject to the provisions of this section, this subchapter applies to a volunteer civilian member of the Civil Air Patrol, except a Civil Air Patrol Cadet.

(b) In administering this subchapter for a member of the Civil Air Patrol covered by this section—

(1) the monthly pay of a member is deemed \$300 for the purpose of computing compensation for disability or death;

(2) the percentages applicable to payments under section 8133 of this title are—

(A) 45 percent for section 8133(a)(2) of this title, if the member dies fully or currently insured under subchapter II of chapter 7 of title 42, with no additional payments for a child or children while the widow or widower remains eligible for payments under section 8133(a)(2) of this title;

(B) 20 percent for section 8133(a)(3) of this title for one child and 10 percent additional for each additional child, but not to exceed a total of 75 percent, if the member died fully or currently insured under subchapter II of chapter 7 of title 42; and

(C) 25 percent for section 8133(a)(4) of this title, if one parent was wholly dependent on the deceased member at the time of his death and the other was not dependent to any extent; 16 percent to each, if both were wholly dependent; and if one was or both were partly dependent, a proportionate amount in the discretion of the Secretary of Labor;

1 (3) a payment may not be made under section 8133(a)(5) of
2 this title;

3 (4) “performance of duty” means only active service, and
4 travel to and from that service, rendered in performance or sup-
5 port of operational missions of the Civil Air Patrol under direc-
6 tion of the Department of the Air Force and under written
7 authorization by competent authority covering a specific assign-
8 ment and prescribing a time limit for the assignment; and

9 (5) the Secretary of Labor or his designee shall inform the
10 Secretary of Health, Education, and Welfare when a claim is filed
11 and eligibility for compensation is established under section
12 8133(a)(2) or (3) of this title, and the Secretary of Health, Edu-
13 cation, and Welfare shall certify to the Secretary of Labor as to
14 whether or not the member concerned was fully or currently
15 insured under subchapter II of chapter 7 of title 42 at the time of
16 his death.

17 (c) The Secretary of Labor or his designee may inform the Secre-
18 tary of the Air Force or his designee when a claim is filed. The Sec-
19 retary of the Air Force, on request of the Secretary of Labor, shall
20 advise him of the facts concerning the injury and whether or not the
21 member was rendering service, or engaged in travel to or from serv-
22 ice, in performance or support of an operational mission of the Civil
23 Air Patrol at the time of injury. This subsection does not dispense
24 with the report of the immediate superior of the member required
25 by section 8120 of this title, or other reports agreed on under that
26 section.

27 **§ 8142. Peace Corps volunteers**

28 (a) For the purpose of this section, “volunteer” means—

29 (1) a volunteer enrolled in the Peace Corps under section 2504
30 of title 22;

31 (2) a volunteer leader enrolled in the Peace Corps under section
32 2505 of title 22; and

33 (3) an applicant for enrollment as a volunteer or volunteer
34 leader during a period of training under section 2507(a) of title 22
35 before enrollment.

36 (b) Subject to the provisions of this section, this subchapter applies
37 to a volunteer, except that entitlement to disability compensation
38 payments does not commence until the day after the date of termination
39 of his service as a volunteer.

(c) For the purpose of this subchapter—

(1) a volunteer is deemed receiving monthly pay at the minimum rate for GS-7;

(2) a volunteer leader referred to by section 2505 of title 22 is deemed receiving monthly pay at the minimum rate for GS-11;

(3) an injury suffered by a volunteer when he is outside the several States, territories and possessions of the United States, and the District of Columbia is deemed proximately caused by his employment, unless the injury or disease is—

(A) caused by willful misconduct of the volunteer;

(B) caused by the volunteer's intention to bring about the injury or death of himself or of another; or

(C) proximately caused by the intoxication of the injured volunteer; and

(4) the period of service of an individual as a volunteer includes—

(A) any period of training under section 2507(a) of title 22 before enrollment as a volunteer; and

(B) the period between enrollment as a volunteer and the termination of service as a volunteer by the President or by death or resignation.

§ 8143. Job Corps enrollees; volunteers in service to America

(a) Subject to the provisions of this subsection, this subchapter applies to an enrollee in the Job Corps under sections 2711-2720 of title 42, except that compensation for disability does not begin to accrue until the day after the date of termination of his enrollment as an enrollee. In administering this subchapter for an enrollee covered by this subsection—

(1) the monthly pay of an enrollee is deemed \$150 for the purpose of computing compensation for disability or death, except that with respect to compensation for disability accruing after the individual concerned becomes 21 years of age the monthly pay is deemed to be that received at the minimum rate for GS-2;

(2) section 8113(a), (b) of this title applies to an enrollee; and

(3) "performance of duty" does not include an act of an enrollee while—

(A) on authorized leave or pass; or

1 (B) absent from his assigned post of duty, except while
 2 participating in an activity authorized by or under the direc-
 3 tion or supervision of the Job Corps.

4 (b) This subchapter applies to a volunteer in service to America
 5 during training and a volunteer in service to America assigned under
 6 section 2943(a)(2) of title 42, to the same extent as enrollees of the
 7 Job Corps under subsection (a) of this section.

8 § 8144. Student-employees

9 A student-employee as defined by section 5351 of this title who
 10 suffers disability or death as a result of personal injury arising out of
 11 and in the course of training, or incurred in the performance of duties
 12 in connection with that training, is considered for the purpose of this
 13 subchapter an employee who incurred the injury in the perform-
 14 ance of duty.

15 § 8145. Administration

16 The Secretary of Labor shall administer, and decide all questions
 17 arising under, this subchapter. He may—

- 18 (1) appoint employees to administer this subchapter; and
- 19 (2) delegate to any employee of the Department of Labor any
 20 of the powers conferred on him by this subchapter.

21 § 8146. Administration for the Canal Zone and the Alaska Rail- 22 road

23 (a) The President, from time to time, may transfer the administra-
 24 tion of this subchapter—

- 25 (1) so far as employees of the Canal Zone Government and of
 26 the Panama Canal Company are concerned to the Governor of
 27 the Canal Zone; and

- 28 (2) so far as employees of The Alaska Railroad are concerned
 29 to the general manager of The Alaska Railroad.

30 (b) When administration is transferred under subsection (a) of
 31 this section, the expenses incident to physical examinations which are
 32 payable under section 8123 of this title shall be paid from appropria-
 33 tions for the Canal Zone Government or for The Alaska Railroad or
 34 from funds of the Panama Canal Company, as the case may be,
 35 instead of from the Employees' Compensation Fund. The President
 36 may authorize the Governor of the Canal Zone and the general man-
 37 ager of The Alaska Railroad to pay the compensation provided by
 38 this subchapter, including medical, surgical, and hospital services and
 39 supplies under section 8103 of this title and the transportation and
 40 burial expenses under sections 8103 and 8134 of this title, from appro-
 41 priations for the Canal Zone Government and for The Alaska Rail-

road, and these appropriations shall be reimbursed for the payments by transfer of funds from the Employees' Compensation Fund.

(c) The President may authorize the Governor of the Canal Zone to waive, at his discretion, the making of the claim required by section 8121 of this title in the case of compensation to an employee of the Canal Zone Government or of the Panama Canal Company for temporary disability, either total or partial.

(d) When administration is transferred under subsection (a) of this section to the general manager of The Alaska Railroad, the Secretary of Labor is not divested of jurisdiction and a claimant is entitled to appeal from the decision of the general manager of The Alaska Railroad to the Secretary of Labor. The Secretary on receipt of an appeal shall, or on his own motion may, review the decision of the general manager of The Alaska Railroad, and in accordance with the facts found on review may proceed under section 8128 of this title. The Secretary shall provide the form and manner of taking an appeal.

(e) The same right of appeal exists with respect to claims filed by employees of the Canal Zone Government and of the Panama Canal Company or their dependents in case of death, as is provided with respect to the claims of other employees to whom this subchapter applies, under section 8149 of this title. The Employees' Compensation Appeals Board referred to by section 8149 of this title has jurisdiction, under regulations prescribed by the Secretary, over appeals relating to claims of the employees or their dependents.

§ 8147. Employees' Compensation Fund

(a) There is in the Treasury of the United States the Employees' Compensation Fund which consists of sums that Congress, from time to time, may appropriate for or transfer to it, and amounts that otherwise accrue to it under this subchapter or other statute. The Fund is available without time limit for the payment of compensation and other benefits and expenses, except administrative expenses, authorized by this subchapter or any extension or application thereof, except as otherwise provided by this subchapter or other statute. The Secretary of Labor shall submit annually to the Bureau of the Budget estimates of appropriations necessary for the maintenance of the Fund.

(b) Before August 15 of each year, the Secretary shall furnish to each agency and instrumentality of the United States having an employee who is or may be entitled to compensation benefits under this subchapter or any extension or application thereof a statement showing the total cost of benefits and other payments made from the Employees' Compensation Fund during the preceding fiscal year on

1 account of the injury or death of employees or individuals under the
 2 jurisdiction of the agency or instrumentality. Each agency and in-
 3 strumentality shall include in its annual budget estimates for the next
 4 fiscal year a request for an appropriation in an amount equal to the
 5 costs. Sums appropriated pursuant to the request shall be deposited in
 6 the Treasury to the credit of the Fund within 30 days after they are
 7 available. An agency or instrumentality not dependent on an annual
 8 appropriation shall make the deposit required by this subsection from
 9 funds under its control. If an agency or instrumentality (or part or
 10 function thereof) is transferred to another agency or instrumentality,
 11 the cost of compensation benefits and other expenses paid from the
 12 Fund on account of the injury or death of employees of the transferred
 13 agency or instrumentality (or part or function) shall be included in
 14 costs of the receiving agency or instrumentality.

15 (c) In addition to the contributions for the maintenance of the
 16 Employees' Compensation Fund required by this section, a mixed
 17 ownership corporation as defined by section 856 of title 31, or any other
 18 corporation or agency or instrumentality (or activity thereof) which
 19 is required by statute to submit an annual budget pursuant to or as
 20 provided by sections 841–869 of title 31, shall pay an additional
 21 amount for its fair share of the cost of administration of this sub-
 22 chapter as determined by the Secretary. With respect to these corpo-
 23 rations, agencies, and instrumentalities, the charges billed by the
 24 Secretary under this section shall include an additional amount for
 25 these costs, which shall be paid into the Treasury as miscellaneous
 26 receipts from the sources authorized and in the manner otherwise
 27 provided by this section.

28 § 8148. Reports

29 The Secretary of Labor shall report to Congress at the beginning of
 30 each regular session on the work for the preceding fiscal year under
 31 this subchapter. The report shall include—

- 32 (1) a detailed statement of appropriations and expenditures;
- 33 (2) a detailed statement showing receipts of and expenditures
- 34 from the Employees' Compensation Fund; and
- 35 (3) his recommendations for legislation.

36 § 8149. Regulations

37 The Secretary of Labor may prescribe rules and regulations neces-
 38 sary for the administration and enforcement of this subchapter. The
 39 rules and regulations shall provide for an Employees' Compensation

1 Appeals Board of three individuals designated or appointed by the
 2 Secretary with authority to hear and, subject to applicable law and
 3 the rules and regulations of the Secretary, make final decisions on
 4 appeals taken from determinations and awards with respect to claims
 5 of employees.

6 **§ 8150. Effect on other statutes**

7 (a) This subchapter does not affect the maritime rights and rem-
 8 edies of a master or member of the crew of a vessel.

9 (b) Section 8141 of this title and section 9441 of title 10 do not
 10 confer military or veteran status on any individual.

11 **SUBCHAPTER II—EMPLOYEES OF NONAPPROPRIATED**
 12 **FUND INSTRUMENTALITIES**

13 **§ 8171. Compensation for work injuries; generally**

14 (a) Chapter 18 of title 33 applies with respect to disability or death
 15 resulting from injury, as defined by section 902(2) of title 33, occurring
 16 to an employee of a nonappropriated fund instrumentality described
 17 by section 2105(c) of this title who is—

18 (1) a United States citizen or a permanent resident of the
 19 United States or a territory or possession of the United States
 20 employed outside the continental United States; or

21 (2) employed inside the continental United States.

22 However, that part of section 903(a) of title 33 which follows the
 23 first comma does not apply to such an employee.

24 (b) For the purpose of this subchapter, the term “employer” in sec-
 25 tion 902(4) of title 33 includes the nonappropriated fund instrumen-
 26 talities described by section 2105(c) of this title.

27 (c) The Secretary of Labor may—

28 (1) extend compensation districts established under section 939

29 (b) of title 33, or establish new districts to include the areas out-
 30 side the continental United States; and

31 (2) assign to each district one or more deputy commissioners
 32 as the Secretary considers advisable.

33 (d) Judicial proceedings under sections 918 and 921 of title 33 with
 34 respect to an injury or death occurring outside the continental United
 35 States shall be instituted in the district court within the territorial
 36 jurisdiction of which is located the office of the deputy commissioner
 37 having jurisdiction with respect to the injury or death.

38 **§ 8172. Employees not citizens or residents of the United States**

1 In case of disability or death resulting from injury, as defined by
 2 section 902(2) of title 33, occurring to an employee of a nonappropri-
 3 ated fund instrumentality described by section 2105(c) of this title
 4 who is—

5 (1) not a citizen or permanent resident of the United States
 6 or a territory or possession of the United States; and

7 (2) employed outside the continental United States;
 8 compensation shall be provided in accordance with regulations pre-
 9 scribed by the Secretary of the military department concerned and
 10 approved by the Secretary of Defense or regulations prescribed by the
 11 Secretary of the Treasury, as the case may be.

12 **§ 8173. Liability under this subchapter exclusive**

13 The liability of the United States or of a nonappropriated fund
 14 instrumentality described by section 2105(c) of this title, with respect
 15 to the disability or death resulting from injury, as defined by section
 16 902(2) of title 33, of an employee referred to by sections 8171 and
 17 8172 of this title, shall be determined as provided by this subchapter.
 18 This liability is exclusive and instead of all other liability of the
 19 United States or the instrumentality to the employee, his legal rep-
 20 resentative, spouse, dependents, next of kin, and any other person
 21 otherwise entitled to recover damages from the United States or the
 22 instrumentality because of the disability or death in a direct judicial
 23 proceeding, in a civil action, or in admiralty, or by an administrative
 24 or judicial proceeding under a workmen's compensation statute or
 25 under a Federal tort liability statute.

26 **CHAPTER 83—RETIREMENT**

27 **SUBCHAPTER I—GENERAL PROVISIONS**

Sec.

8301. Uniform retirement date.

28 **SUBCHAPTER II—FORFEITURE OF ANNUITIES AND** 29 **RETIRED PAY**

Sec.

8311. Definitions.

8312. Conviction of certain offenses.

8313. Absence from the United States to avoid prosecution.

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8315. Falsifying employment applications.

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8317. Repayment of annuity or retired pay properly paid; waiver.

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8319. Removal of members of the uniformed services from rolls; restoration;
 reappointment.

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SUBCHAPTER III—CIVIL SERVICE RETIREMENT

Sec.

- 8331. Definitions.
- 8332. Creditable service.
- 8333. Eligibility for annuity.
- 8334. Deductions, contributions, and deposits.
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- 8336. Immediate retirement.
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- 8339. Computation of annuity.
- 8340. Cost-of-living adjustment of annuities.
- 8341. Survivor annuities.
- 8342. Lump-sum benefits; designation of beneficiary; order of precedence.
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- 8345. Payment of benefits; commencement, termination, and waiver of annuity.
- 8346. Exemption from legal process; recovery of payments.
- 8347. Administration; regulations.
- 8348. Civil Service Retirement and Disability Fund.

SUBCHAPTER I—GENERAL PROVISIONS

§ 8301. Uniform retirement date

(a) Except as otherwise specifically provided by this title or other statute, retirement authorized by statute is effective on the first day of the month following the month in which retirement would otherwise be effective.

(b) Notwithstanding subsection (a) of this section, the rate of active or retired pay or allowance is computed as of the date retirement would have occurred but for subsection (a) of this section.

SUBCHAPTER II—FORFEITURE OF ANNUITIES AND RETIRED PAY

§ 8311. Definitions

For the purpose of this subchapter—

(1) “employee” means—

- (A) an employee as defined by section 2105 of this title;
- (B) a Member of Congress as defined by section 2106 of this title and a Delegate to Congress;
- (C) a member or former member of a uniformed service;
- and
- (D) an individual employed by the government of the District of Columbia;

(2) “annuity” means a retirement benefit, including a disability insurance benefit and a dependent’s or survivor’s benefit under subchapter II of chapter 7 of title 42, and a monthly annuity under section 228b or 228e of title 45, payable by an agency of the Government of the United States or the government of the District of Columbia on the basis of service as a civilian employee and other service which is creditable to an employee

1 toward the benefit under the statute, regulation, or agreement
2 which provides the benefit, but does not include—

3 (A) a benefit provided under statutes administered by the
4 Veterans' Administration;

5 (B) pay or compensation which may not be diminished
6 under section 1 of Article III of the Constitution of the
7 United States;

8 (C) that portion of a benefit payable under subchapter II
9 of chapter 7 of title 42 which would be payable without tak-
10 ing into account, for any of the purposes of that subchapter,
11 including determinations of periods of disability under sec-
12 tion 416(i) of title 42, pay for services as an employee;

13 (D) monthly annuity awarded under section 228b or 228e
14 of title 45 before September 26, 1961, whether or not com-
15 puted under section 228c(e) of title 45;

16 (E) that portion of an annuity awarded under section 228b
17 or 228e of title 45 after September 25, 1961, which would be
18 payable without taking into account military service credit-
19 able under section 228c-1 of title 45;

20 (F) a retirement benefit, including a disability insurance
21 benefit and a dependent's or survivor's benefit under sub-
22 chapter II of chapter 7 of title 42, awarded before Sep-
23 tember 1, 1954, to an individual or his survivor or beneficiary,
24 insofar as the individual, before September 1, 1954—

25 (i) was convicted of an offense named by subsection

26 (b) of section 8312 of this title, to the extent provided by
27 that subsection; or

28 (ii) violated section 8314 or 8315(a)(1) of this title;

29 or

30 (G) a retirement benefit, including a disability insurance
31 benefit and a dependent's or survivor's benefit under sub-
32 chapter II of chapter 7 of title 42, awarded before September
33 26, 1961, to an individual or his survivor or beneficiary, inso-
34 far as the individual, before September 26, 1961—

35 (i) was convicted of an offense named by subsection

36 (c) of section 8312 of this title, to the extent provided by
37 that subsection; or

38 (ii) violated section 8315(a)(2) of this title; and

39 (3) "retired pay" means retired pay, retirement pay, retainer
40 pay, or equivalent pay, payable under a statute to a member or
41 former member of a uniformed service, and an annuity payable

to an eligible beneficiary of the member or former member under chapter 73 of title 10 or section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504), but does not include—

(A) a benefit provided under statutes administered by the Veterans' Administration;

(B) retired pay, retirement pay, retainer pay, or equivalent pay, awarded before September 1, 1954, to an individual, insofar as the individual, before September 1, 1954—

(i) was convicted of an offense named by subsection

(b) of section 8312 of this title, to the extent provided by that subsection; or

(ii) violated section 8314 or 8315(a) (1) of this title;

(C) retired pay, retirement pay, retainer pay, or equivalent pay, awarded before September 26, 1961, to an individual, insofar as the individual, before September 26, 1961—

(i) was convicted of an offense named by subsection

(c) of section 8312 of this title, to the extent provided by that subsection; or

(ii) violated section 8315(a) (2) of this title; or

(D) an annuity payable to an eligible beneficiary of an individual under chapter 73 of title 10 or section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504), if the annuity was awarded to the beneficiary, or if retired pay was awarded to the individual, before September 26, 1961, insofar as the individual, on the basis of whose service the annuity was awarded, before September 26, 1961—

(i) was convicted of an offense named by section 8312

of this title, to the extent provided by that section; or

(ii) violated section 8314 or 8315 of this title.

§ 8312. Conviction of certain offenses

(a) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity or retired pay, subject to the exceptions in section 8311 (2) and (3) of this title, if the individual—

(1) was convicted, before, on, or after September 1, 1954, of an offense named by subsection (b) of this section, to the extent provided by that subsection; or

(2) was convicted, before, on, or after September 26, 1961, of an offense named by subsection (c) of this section, to the extent provided by that subsection.

1 The prohibition on payment of annuity or retired pay applies—

2 (A) with respect to the offenses named by subsection (b) of
3 this section, to the period after the date of the conviction or after
4 September 1, 1954, whichever is later; and

5 (B) with respect to the offenses named by subsection (c) of this
6 section, to the period after the date of conviction or after Sep-
7 tember 26, 1961, whichever is later.

8 (b) The following are the offenses to which subsection (a) of this
9 section applies if the individual was convicted before, on, or after
10 September 1, 1954:

11 (1) An offense within the purview of—

12 (A) section 792 (harboring or concealing persons), 793
13 (gathering, transmitting, or losing defense information), 794
14 (gathering or delivering defense information to aid foreign
15 government), or 798 (disclosure of classified information), of
16 chapter 37 (relating to espionage and censorship) of title
17 18;

18 (B) chapter 105 (relating to sabotage) of title 18;

19 (C) section 2381 (treason), 2382 (misprision of treason),
20 2383 (rebellion or insurrection), 2384 (seditious conspiracy),
21 2385 (advocating overthrow of government), 2387 (activities
22 affecting armed forces generally), 2388 (activities affecting
23 armed forces during war), 2389 (recruiting for service
24 against United States), or 2390 (enlistment to serve against
25 United States), of chapter 115 (relating to treason, sedition,
26 and subversive activities) of title 18;

27 (D) section 10(b) (2), (3), or (4) of the Atomic Energy
28 Act of 1946 (60 Stat. 766, 767), as in effect before August
29 30, 1954;

30 (E) section 16(a) or (b) of the Atomic Energy Act of
31 1946 (60 Stat. 773), as in effect before August 30, 1954, inso-
32 far as the offense is committed with intent to injure the United
33 States or with intent to secure an advantage to a foreign
34 nation; or

35 (F) an earlier statute on which a statute named by sub-
36 paragraph (A), (B), or (C) of this paragraph (1) is based.

37 (2) An offense within the purview of—

38 (A) article 104 (aiding the enemy) or article 106 (spies)
39 of the Uniform Code of Military Justice (chapter 47 of title
40 10) or an earlier article on which article 104 or article 106,
41 as the case may be, is based; or

(B) a current article of the Uniform Code of Military Justice (or an earlier article on which the current article is based) not named by subparagraph (A) of this paragraph (2) on the basis of charges and specifications describing a violation of a statute named by paragraph (1), (3), or (4) of this subsection, if the executed sentence includes death, dishonorable discharge, or dismissal from the service, or if the defendant dies before execution of that sentence as finally approved.

(3) Perjury committed under the statutes of the United States or the District of Columbia—

(A) in falsely denying the commission of an act which constitutes an offense within the purview of—

(i) a statute named by paragraph (1) of this subsection; or

(ii) an article or statute named by paragraph (2) of this subsection insofar as the offense is within the purview of an article or statute named by paragraph (1) or (2) (A) of this subsection;

(B) in falsely testifying before a Federal grand jury, court of the United States, or court-martial with respect to his service as an employee in connection with a matter involving or relating to an interference with or endangerment of, or involving or relating to a plan or attempt to interfere with or endanger, the national security or defense of the United States; or

(C) in falsely testifying before a congressional committee in connection with a matter under inquiry before the congressional committee involving or relating to an interference with or endangerment of, or involving or relating to a plan or attempt to interfere with or endanger, the national security or defense of the United States.

(4) Subornation of perjury committed in connection with the false denial or false testimony of another individual as specified by paragraph (3) of this subsection.

(c) The following are the offenses to which subsection (a) of this section applies if the individual was convicted before, on, or after September 26, 1961:

(1) An offense within the purview of—

(A) section 2272 (violation of specific sections) or 2273 (violation of sections generally of chapter 23 of title 42) of

1 title 42 insofar as the offense is committed with intent to
 2 injure the United States or with intent to secure an advantage
 3 to a foreign nation;

4 (B) section 2274 (communication of restricted data), 2275
 5 (receipt of restricted data), or 2276 (tampering with re-
 6 stricted data) of title 42; or

7 (C) section 783 (conspiracy and communication or receipt
 8 of classified information), 822 (conspiracy or evasion of ap-
 9 prehension during internal security emergency), or 823 (aid-
 10 ing evasion of apprehension during internal security emer-
 11 gency) of title 50.

12 (2) An offense within the purview of a current article of the
 13 Uniform Code of Military Justice (chapter 47 of title 10) or an
 14 earlier article on which the current article is based, as the case
 15 may be, on the basis of charges and specifications describing a
 16 violation of a statute named by paragraph (1), (3), or (4) of this
 17 subsection, if the executed sentence includes death, dishonorable
 18 discharge, or dismissal from the service, or if the defendant dies
 19 before execution of that sentence as finally approved.

20 (3) Perjury committed under the statutes of the United States
 21 or the District of Columbia in falsely denying the commission of
 22 an act which constitutes an offense within the purview of a statute
 23 named by paragraph (1) of this subsection.

24 (4) Subornation of perjury committed in connection with the
 25 false denial of another individual as specified by paragraph (3)
 26 of this subsection.

27 **§ 8313. Absence from the United States to avoid prosecution**

28 (a) An individual, or his survivor or beneficiary, may not be paid
 29 annuity or retired pay on the basis of the service of the individual
 30 which is creditable toward the annuity or retired pay, subject to the
 31 exceptions in section 8311 (2) and (3) of this title, if the individual—

32 (1) is under indictment, or has outstanding against him charges
 33 preferred under the Uniform Code of Military Justice—

34 (A) after July 31, 1956, for an offense named by section
 35 8312(b) of this title; or

36 (B) after September 26, 1961, for an offense named by
 37 section 8312(c) of this title; and

38 (2) willfully remains outside the United States, or its terri-
 39 tories and possessions including the Commonwealth of Puerto
 40 Rico, for more than 1 year with knowledge of the indictment or
 41 charges, as the case may be.

(b) The prohibition on payment of annuity or retired pay under subsection (a) of this section applies to the period after the end of the 1-year period and continues until—

(1) a nolle prosequi to the entire indictment is entered on the record or the charges are dismissed by competent authority;

(2) the individual returns and thereafter the indictment or charges is or are dismissed; or

(3) after trial by court or court-martial, the accused is found not guilty of the offense or offenses.

§ 8314. Refusal to testify

(a) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity or retired pay, subject to the exceptions in section 8311 (2) and (3) of this title, if the individual, before, on, or after September 1, 1954, refused or refuses, or knowingly and willfully failed or fails, to appear, testify, or produce a book, paper, record, or other document, relating to his service as an employee, before a Federal grand jury, court of the United States, court-martial, or congressional committee, in a proceeding concerning—

(1) his past or present relationship with a foreign government;

or

(2) a matter involving or relating to an interference with or endangerment of, or involving or relating to a plan or attempt to interfere with or endanger, the national security or defense of the United States.

(b) The prohibition on payment of annuity or retired pay under subsection (a) of this section applies to the period after the date of the failure or refusal of the individual, or after September 1, 1954, whichever is later.

§ 8315. Falsifying employment applications

(a) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity or retired pay, subject to the exceptions in section 8311 (2) and (3) of this title, if the individual knowingly and willfully made or makes a false, fictitious, or fraudulent statement or representation, or knowingly and willfully concealed or conceals a material fact—

(1) before, on, or after September 1, 1954, concerning his—

(A) past or present membership in, affiliation or association with, or support of the Communist Party, or a chapter,

1 branch, or subdivision thereof, in or outside the United
2 States, or other organization, party, or group advocating—

3 (i) the overthrow, by force, violence, or other uncon-
4stitutional means, of the Government of the United
5 States;

6 (ii) the establishment, by force, violence, or other
7 unconstitutional means, of a Communist totalitarian dic-
8 tatorship in the United States; or

9 (iii) the right to strike against the United States;

10 (B) conviction of an offense named by subsection (b) of
11 section 8312 of this title, to the extent provided by that
12 subsection; or

13 (C) failure or refusal to appear, testify, or produce a book,
14 paper, record, or other document, as specified by section 8314
15 of this title; or

16 (2) before, on, or after September 26, 1961, concerning his
17 conviction of an offense named by subsection (c) of section 8312
18 of this title, to the extent provided by that subsection;

19 in a document executed by the individual in connection with his em-
20 ployment in, or application for, a civilian or military office or position
21 in or under the legislative, executive, or judicial branch of the Gov-
22 ernment of the United States or the government of the District of
23 Columbia.

24 (b) The prohibition on the payment of annuity or retired pay
25 applies—

26 (1) with respect to matters specified by subsection (a) (1) of
27 this section, to the period after the statement, representation, or
28 concealment of fact is made or occurs, or after September 1, 1954,
29 whichever is later; and

30 (2) with respect to matters specified by subsection (a) (2) of
31 this section, to the period after the statement, representation, or
32 concealment of fact is made or occurs, or after September 26, 1961,
33 whichever is later.

34 § 8316. Refund of contributions and deposits

35 (a) When payment of annuity or retired pay is denied under this
36 subchapter because an individual was convicted of an offense named by
37 section 8312 of this title, to the extent provided by that section, or
38 violated section 8314 or 8315 of this title—

39 (1) the amount, except employment taxes, contributed by the
40 individual toward the annuity, less the amount previously re-
41 funded or paid as annuity benefits; and

(2) deposits made under section 1438 of title 10 or section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504) to provide the eligible beneficiary with annuity for any period, less the amount previously paid as retired pay benefits; shall be refunded, on appropriate application therefor—

(A) to the individual;

(B) if the individual is dead, to the beneficiary designated to receive refunds by or under the statute, regulation, or agreement under which the annuity, the benefits of which are denied under this subchapter, would have been payable; or

(C) if a beneficiary is not designated, in the order of precedence prescribed by section 8342(c) of this title or section 2771 of title 10, as the case may be.

(b) A refund under subsection (a) of this section shall be made with interest at the rate and for the period provided under the statute, regulation, or agreement under which the annuity would have been payable. However, interest may not be computed—

(1) if the individual was convicted of an offense named by section 8312(b) of this title, or violated section 8314 or 8315(a) (1) of this title, for the period after the conviction or commission of the violation, or after September 1, 1954, whichever is later; or

(2) if the individual was convicted of an offense named by section 8312(c) of this title, or violated section 8315(a) (2) of this title, for the period after the conviction or commission of the violation, or after September 26, 1961, whichever is later.

§ 8317. Repayment of annuity or retired pay properly paid; waiver

(a) An individual, or his survivor or beneficiary, to whom payment of annuity is denied under this subchapter is not thereafter required to repay that part of the annuity otherwise properly paid to the individual, or to his survivor or beneficiary on the basis of the service of the individual, which is in excess of the aggregate amount of the contributions of the individual toward the annuity, with applicable interest.

(b) An individual, including an eligible beneficiary under chapter 73 of title 10 or section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504), to whom payment of retired pay is denied under this subchapter is not thereafter required to repay retired pay otherwise properly paid to the individual or beneficiary which is paid in violation of this subchapter.

1 **§ 8318. Restoration of annuity or retired pay**

2 (a) If an individual who was convicted, before, on, or after Septem-
3 ber 1, 1954, of—

4 (1) an offense named by section 8312 of this title; or

5 (2) an offense constituting a violation of section 8314 or 8315 of
6 this title;

7 is pardoned by the President, the right of the individual and his sur-
8 vivor or beneficiary to receive annuity or retired pay previously
9 denied under this subchapter is restored as of the date of the pardon.

10 (b) The President may restore, effective as of the date he prescribes,
11 the right to receive annuity or retired pay which is denied, before, on,
12 or after September 1, 1954, under section 8314 or 8315 of this title, to
13 the individual and to his survivor or beneficiary.

14 (c) Payment of annuity or retired pay which results from pardon
15 or restoration by the President under subsection (a) or (b) of this
16 section may not be made for a period before—

17 (1) the date of pardon referred to by subsection (a) of this
18 section; or

19 (2) the effective date of restoration referred to by subsec-
20 tion (b) of this section.

21 (d) Credit for a period of service covered by a refund under section
22 8316 of this title is allowed only after the amount refunded has been
23 redeposited.

24 **§ 8319. Removal of members of the uniformed services from rolls;**
25 **restoration; reapportionment**

26 (a) The President may drop from the rolls a member of a uni-
27 formed service who is deprived of retired pay under this subchapter.

28 (b) The President may restore—

29 (1) military status to an individual dropped from the rolls to
30 whom retired pay is restored under this subchapter or under sec-
31 tion 2 of the Act of September 26, 1961 (75 Stat. 648) ; and

32 (2) all rights and privileges to the individual and his bene-
33 ficiaries of which he or they were deprived because his name was
34 dropped from the rolls.

35 (c) If the individual restored was a commissioned officer, the Presi-
36 dent alone may reappoint him to the grade and position on the retired
37 list held when his name was dropped from the rolls.

38 **§ 8320. Offense or violation committed in compliance with orders**

39 When it is established by satisfactory evidence that an individual—

40 (1) was convicted of an offense named by section 8312 of this
41 title; or

(2) violated section 8314 or 8315 of this title;
 as a result of proper compliance with orders issued, in a confidential relationship, by an agency or other authority of the Government of the United States or the government of the District of Columbia, the right to receive annuity or retired pay may not be denied.

§ 8321. Liability of accountable employees

An accountable employee may not be held responsible for a payment made in violation of this subchapter when the payment made is in due course and without fraud, collusion, or gross negligence.

§ 8322. Effect on other statutes

This subchapter does not restrict authority under a statute, other than this subchapter, to deny or withhold benefits authorized by statute.

SUBCHAPTER III—CIVIL SERVICE RETIREMENT

§ 8331. Definitions

For the purpose of this subchapter—

(1) “employee” means—

(A) an employee as defined by section 2105 of this title;

(B) the Architect of the Capitol and an employee of the Architect of the Capitol;

(C) a Congressional employee as defined by section 2107 of this title (except the Architect of the Capitol and an employee of the Architect of the Capitol), after he gives notice in writing to the official by whom he is paid of his desire to come within the purview of this subchapter;

(D) a temporary Congressional employee appointed at an annual rate of pay, after he gives notice in writing to the official by whom he is paid of his desire to come within the purview of this subchapter;

(E) a United States Commissioner whose total pay for services performed as Commissioner is not less than \$3,000 in each of the last 3 consecutive calendar years ending after December 31, 1954;

(F) an individual employed by a county committee established under section 590h(b) of title 16;

(G) an individual employed by the government of the District of Columbia;

(H) an individual employed by Gallaudet College; and

(I) an individual appointed to a position on the office staff of a former President under section 1(b) of the Act of August 25, 1958 (72 Stat. 838);

1 but does not include—

2 (i) a justice or judge of the United States as defined by
3 section 451 of title 28;

4 (ii) an employee subject to another retirement system for
5 Government employees;

6 (iii) an employee or group of employees in or under an
7 Executive agency excluded by the Civil Service Commission
8 under section 8347(g) of this title;

9 (iv) an individual or group of individuals employed by the
10 government of the District of Columbia excluded by the
11 Commission under section 8347(h) of this title;

12 (v) a temporary employee of the Administrative Office of
13 the United States Courts or of a court named by section 610
14 of title 28;

15 (vi) a construction employee or other temporary, part-
16 time, or intermittent employee of the Tennessee Valley
17 Authority;

18 (vii) an employee under the Office of the Architect of the
19 Capitol excluded by the Architect of the Capitol under sec-
20 tion 8347(i) of this title;

21 (viii) an employee under the Library of Congress excluded
22 by the Librarian of Congress under section 8347(j) of this
23 title; or

24 (ix) a student-employee as defined by section 5351 of
25 this title.

26 Notwithstanding this paragraph, the employment of a teacher in
27 the recess period between two school years in a position other
28 than a teaching position in which he served immediately before
29 the recess period does not qualify the individual as an employee
30 for the purpose of this subchapter. For the purpose of the pre-
31 ceding sentence, “teacher” and “teaching position” have the
32 meanings given them by section 901 of title 20;

33 (2) “Member” means a Member of Congress as defined by sec-
34 tion 2106 of this title, and a Delegate to Congress, after he gives
35 notice in writing to the official by whom he is paid of his desire
36 to come within the purview of this subchapter;

37 (3) “basic pay” includes—

38 (A) the amount a Member received from April 1, 1954, to
39 February 28, 1955, as expense allowance under section 601(b)
40 of the Legislative Reorganization Act of 1946 (60 Stat. 850),
41 as amended; and that amount from January 3, 1953, to

March 31, 1954, if deposit is made therefor as provided by section 8334 of this title; and

(B) additional pay provided by—

(i) subsection (a) of section 60e-7 of title 2 and the provisions of law referred to by that subsection; and

(ii) section 60e-8, 60e-9, 60e-10, and 60e-11 of title 2; but does not include bonuses, allowances, overtime pay, military pay, pay given in addition to the base pay of the position as fixed by law or regulation except as provided by subparagraph (B) of this paragraph, retroactive pay under section 5344 of this title in the case of a retired or deceased employee, uniform allowances under section 5901 of this title, or lump-sum leave payments under subchapter VI of chapter 55 of this title. For an employee paid on a fee basis, the maximum amount of basic pay which may be used is \$10,000;

(4) “average pay” means the largest annual rate resulting from averaging an employee’s or Member’s rates of basic pay in effect—

(A) over any 5 consecutive years of creditable service; or

(B) at a Member’s option over all periods of Member service after August 2, 1946, used in the computation of an annuity under this subchapter; with each rate weighted by the time it was in effect;

(5) “Fund” means the Civil Service Retirement and Disability Fund;

(6) “disabled” and “disability” mean totally disabled or total disability, respectively, for useful and efficient service in the grade or class of position last occupied by the employee or Member because of disease or injury not due to vicious habits, intemperance, or willful misconduct on his part within 5 years before becoming so disabled;

(7) “Government” means the Government of the United States, the government of the District of Columbia, and Gallaudet College;

(8) “lump-sum credit” means the unrefunded amount consisting of—

(A) retirement deductions made from the basic pay of an employee or Member;

(B) amounts deposited by an employee or Member covering earlier service; and

(C) interest on the deductions and deposits at 4 percent a year to December 31, 1947, and 3 percent a year thereafter compounded annually to December 31, 1956, or, in the case of an employee or Member separated or transferred to a position not within the purview of this subchapter before he has completed 5 years of civilian service, to the date of the separation or transfer;

but does not include interest—

(i) if the service covered thereby aggregates 1 year or less; or

(ii) for the fractional part of a month in the total service;

(9) “annuitant” means a former employee or Member who, on the basis of his service, meets all requirements of this subchapter for title to annuity and files claim therefor;

(10) “survivor” means an individual entitled to annuity under this subchapter based on the service of a deceased employee, Member, or annuitant;

(11) “survivor annuitant” means a survivor who files claim for annuity;

(12) “service” means employment creditable under section 8332 of this title;

(13) “military service” means honorable active service—

(A) in the armed forces;

(B) in the Regular or Reserve Corps of the Public Health Service after June 30, 1960; or

(C) as a commissioned officer of the Coast and Geodetic Survey after June 30, 1961;

but does not include service in the National Guard except when ordered to active duty in the service of the United States;

(14) “Member service” means service as a Member and includes the period from the date of the beginning of the term for which elected or appointed to the date on which he takes office as a Member; and

(15) “price index” means the annual average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

§ 8332. Creditable service

(a) The total service of an employee or Member is the full years and twelfth parts thereof, excluding from the aggregate the fractional part of a month, if any.

(b) The service of an employee shall be credited from the date of original employment to the date of separation on which title to annuity is based in the civilian service of the Government. Credit may not be allowed for a period of separation from the service in excess of 3 calendar days. The service includes—

(1) employment as a substitute in the postal field service;

(2) service in the Pan American Sanitary Bureau;

(3) subject to sections 8334(c) and 8339(h) of this title, service performed before July 10, 1960, as an employee of a county committee established under section 590h(b) of title 16 or of a committee or an association of producers described by section 610(b) of title 7;

(4) service as a student-employee as defined by section 5351 of this title only if he later becomes subject to this subchapter; and

(5) a period of satisfactory service of a volunteer or volunteer leader under chapter 34 of title 22 only if he later becomes subject to this subchapter.

The Civil Service Commission shall accept the certification of the Secretary of Agriculture or his designee concerning service for the purpose of this subchapter of the type performed by an employee named by paragraph (3) of this subsection. For the purpose of paragraph (5) of this subsection—

(A) a volunteer and a volunteer leader are deemed receiving pay during their service at the respective rates of readjustment allowances payable under sections 2504(c) and 2505(1) of title 22; and

(B) the period of an individual's service as a volunteer or volunteer leader under chapter 34 of title 22 is the period between enrollment as a volunteer or volunteer leader and the termination of that service by the President or by death or resignation.

(c) Except as provided by subsection (d) of this section, an employee or Member shall be allowed credit for periods of military service before the date of the separation on which title to annuity is based. However, if an employee or Member is awarded retired pay on account of military service, his military service may not be credited unless the retired pay is awarded—

(1) on account of a service-connected disability—

(A) incurred in combat with an enemy of the United States; or

1 (B) caused by an instrumentality of war and incurred in
 2 line of duty during a period of war as defined by section 301
 3 of title 38; or

4 (2) under chapter 67 of title 10.

5 (d) For the purpose of section 8339(c) (1) of this title, a Member—

6 (1) shall be allowed credit only for periods of military service
 7 not exceeding 5 years, plus military service performed by the
 8 Member on leaving his office, for the purpose of performing mili-
 9 tary service, during a war or national emergency proclaimed by
 10 the President or declared by Congress and before his final separa-
 11 tion from service as Member; and

12 (2) may not receive credit for military service for which credit
 13 is allowed for purpose of retired pay under other statute.

14 (e) This subchapter does not affect the right of an employee or
 15 Member to retired pay, pension, or compensation in addition to an
 16 annuity payable under this subchapter.

17 (f) Credit shall be allowed for leaves of absence without pay
 18 granted an employee while performing military service or while re-
 19 ceiving benefits under subchapter I of chapter 81 of this title. Except
 20 for a substitute in the postal field service, credit may not be allowed
 21 for so much of other leaves of absence without pay as exceeds 6 months
 22 in the aggregate in a calendar year.

23 (g) An employee who during the period of a war, or of a national
 24 emergency as proclaimed by the President or declared by Congress,
 25 leaves his position to enter the military service is deemed, for the pur-
 26 pose of this subchapter, as not separated from his civilian position be-
 27 cause of that military service, unless he applies for and receives a
 28 lump-sum credit under this subchapter. However, the employee is
 29 deemed as not retaining his civilian position after December 31, 1956,
 30 or after the expiration of 5 years of that military service, whichever
 31 is later.

32 (h) An employee who—

33 (1) has at least 5 years' Member service; and

34 (2) serves as a Member at any time after August 2, 1946;
 35 may not be allowed credit for service which is used in the computation
 36 of an annuity under section 8339(c) of this title.

37 (i) An individual who qualifies as an employee under section
 38 8331(1) (E) of this title is entitled to credit for his service as a United
 39 States Commissioner, which is not credited for the purpose of this

subchapter for service performed by him in a capacity other than Commissioner, on the basis of—

(1) 1/313 of a year for each day on which he performed service as a Commissioner before July 1, 1945; and

(2) 1/260 of a year for each day on which he performed service as a Commissioner after June 30, 1945.

Credit for service performed as Commissioner may not exceed 313 days in a year before July 1, 1945, or 260 days in a year after June 30, 1945. For the purpose of this subchapter, the employment and pay of a Commissioner is deemed on a daily basis when actually employed.

(j) Notwithstanding any other provision of this section, military service, except military service covered by military leave with pay from a civilian position, performed by an individual after December 1956, and the period of an individual's service as a volunteer or volunteer leader under chapter 34 of title 22, shall be excluded in determining the aggregate period of service on which an annuity payable under this subchapter to the individual or to his widow or child is based, if the individual, widow, or child is entitled, or would on proper application be entitled, at the time of that determination, to monthly old-age or survivors benefits under section 402 of title 42 based on the individual's wages and self-employment income. If the military service or service as a volunteer or volunteer leader under chapter 34 of title 22 is not excluded by the preceding sentence, but on becoming 62 years of age, the individual or widow becomes entitled, or would on proper application be entitled, to the described benefits, the Civil Service Commission shall redetermine the aggregate period of service on which the annuity is based, effective as of the first day of the month in which he or she becomes 62 years of age, so as to exclude that service.

The Secretary of Health, Education, and Welfare, on request of the Commission, shall inform the Commission whether or not the individual, widow, or child is entitled at any named time to the described benefits. For the purpose of this subsection, the period of an individual's service as a volunteer or volunteer leader under chapter 34 of title 22 is the period between enrollment as a volunteer or volunteer leader and termination of that service by the President or by death or resignation.

§ 8333. Eligibility for annuity

(a) An employee must complete at least 5 years of civilian service before he is eligible for an annuity under this subchapter.

1 (b) An employee or Member must complete, within the last 2 years
2 before any separation from service, except a separation because of
3 death or disability, at least 1 year of creditable civilian service dur-
4 ing which he is subject to this subchapter before he or his survivors
5 are eligible for annuity under this subchapter based on the separation.
6 If an employee or Member, except an employee or Member separated
7 from the service because of death or disability, fails to meet the service
8 requirement of the preceding sentence, the amounts deducted from his
9 pay during the service for which no eligibility for annuity is estab-
10 lished based on the separation shall be returned to him on the sepa-
11 ration. Failure to meet this service requirement does not deprive the
12 individual or his survivors of annuity rights which attached on a
13 previous separation.

14 (c) A Member or his survivor is eligible for an annuity under this
15 subchapter only if the amounts named by section 8334 of this title have
16 been deducted or deposited with respect to his last 5 years of civilian
17 service.

18 **§ 8334. Deductions, contributions, and deposits**

19 (a) The employing agency shall deduct and withhold 6½ percent
20 of the basic pay of an employee and 7½ percent of the basic pay of
21 a Member, and an equal amount shall be contributed from the appro-
22 priation or fund used to pay the employee or, in the case of an elected
23 official, from an appropriation or fund available for payment of other
24 salaries of the same office or establishment. When an employee in
25 the legislative branch is paid by the Clerk of the House of Repre-
26 sentatives, the Clerk may pay from the contingent fund of the House
27 the contribution that otherwise would be contributed from the appro-
28 priation or fund used to pay the employee. The amounts so deducted
29 and withheld, together with the amounts so contributed, shall be de-
30 posited in the Treasury of the United States to the credit of the Fund
31 under such procedures as the Comptroller General of the United States
32 may prescribe. Deposits made by an employee or Member under
33 this section also shall be credited to the Fund.

34 (b) Each employee or Member is deemed to consent and agree to
35 these deductions from basic pay. Notwithstanding any law or regu-
36 lation affecting the pay of an employee or Member, payment less
37 these deductions is a full and complete discharge and acquittance of
38 all claims and demands for regular services during the period covered
39 by the payment, except the right to the benefits to which the employee
40 or Member is entitled under this subchapter.

(c) Each employee or Member credited with civilian service after July 31, 1920, for which retirement deductions or deposits have not been made, may deposit with interest an amount equal to the following percentages of his basic pay received for that service :

	Percentage of basic pay	Service period
Employee-----	2½-----	August 1, 1920, to June 30, 1926.
	3½-----	July 1, 1926, to June 30, 1942.
	5 -----	July 1, 1942, to June 30, 1948.
	6 -----	July 1, 1948, to October 31, 1956.
	6½-----	After October 31, 1956.
Member for Member service.	2½-----	August 1, 1920, to June 30, 1926.
	3½-----	July 1, 1926, to June 30, 1942.
	5 -----	July 1, 1942, to August 1, 1946.
	6 -----	August 2, 1946, to October 31, 1956.
	7½-----	After October 31, 1956.

(d) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which he may be allowed credit under this subchapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

(e) Interest under subsection (c) or (d) of this section is computed from the mid-point of each service period included in the computation, or from the date refund was paid, to the date of deposit or commencing date of annuity, whichever is earlier. The interest is computed at the rate of 4 percent a year to December 31, 1947, and 3 percent a year thereafter compounded annually. The deposit may be made in one or more installments. Interest may not be charged for a period of separation from the service which began before October 1, 1956.

(f) Under such regulations as the Civil Service Commission may prescribe, amounts deducted under subsection (a) of this section and deposited under subsections (c) and (d) of this section shall be entered on individual retirement records.

(g) Deposit may not be required for—
 (1) service before August 1, 1920;
 (2) military service; or
 (3) service for the Panama Railroad Company before January 1, 1924.

(h) For the purpose of survivor annuity, deposits authorized by subsections (c) and (d) of this section may also be made by the survivor of an employee or Member.

§ 8335. Mandatory separation

1 (a) Except as otherwise provided by this section, an employee who
 2 becomes 70 years of age and completes 15 years of service shall be auto-
 3 matically separated from the service. The separation is effective on
 4 the last day of the month in which the employee becomes 70 years of
 5 age or completes 15 years of service if then over that age, and pay
 6 ends from that day.

7 (b) The employing office shall notify each employee under its
 8 direction of the date of his separation from the service at least 60 days
 9 in advance thereof, and subsection (a) of this section does not take
 10 effect without the consent of the employee until 60 days after he is
 11 so notified.

12 (c) The President, by Executive order, may exempt an employee
 13 from automatic separation under this section when in his judgment the
 14 public interest so requires.

15 (d) The automatic separation provisions of this section do not apply
 16 to—

17 (1) an individual named by a statute providing for the con-
 18 tinuance of the individual in the service;

19 (2) a Member;

20 (3) a Congressional employee; or

21 (4) an employee in the judicial branch appointed to hold
 22 office for a definite term of years.

23 (e) This section applies to an employee of The Alaska Railroad in
 24 Alaska, and to an employee who is a citizen of the United States
 25 employed on the Isthmus of Panama by the Panama Canal Company
 26 or the Canal Zone Government, who becomes 62 years of age and
 27 completes 15 years of service in Alaska or on the Isthmus of Panama.

28 **§ 8336. Immediate retirement**

29 (a) An employee who is separated from the service after becoming
 30 60 years of age and completing 30 years of service is entitled to an
 31 annuity.

32 (b) An employee who is separated from the service after becoming
 33 55 years of age (but before becoming 60 years of age) and completing
 34 30 years of service is entitled to a reduced annuity.

35 (c) An employee, the duties of whose position are primarily the in-
 36 vestigation, apprehension, or detention of individuals suspected or con-
 37 victed of offenses against the criminal laws of the United States,
 38 including an employee engaged in this activity who is transferred to
 39 a supervisory or administrative position, who is separated from the
 40 service after becoming 50 years of age and completing 20 years of

service in the performance of these duties is entitled to an annuity if the head of his agency recommends his retirement and the Civil Service Commission approves that recommendation. The head of the agency and the Commission shall consider fully the degree of hazard to which the employee is subjected in the performance of his duties, instead of the general duties of the class of the position held by the employee. For the purpose of this subsection, "detention" includes the duties of—

(1) employees of the Bureau of Prisons and Federal Prison Industries, Incorporated;

(2) employees of the Public Health Service assigned to the field service of the Bureau of Prisons or of the Federal Prison Industries, Incorporated;

(3) employees in the field service at Army or Navy disciplinary barracks or at confinement and rehabilitation facilities operated by any of the armed forces; and

(4) employees of the Department of Corrections of the District of Columbia, its industries and utilities;

whose duties in connection with individuals in detention suspected or convicted of offenses against the criminal laws of the United States or of the District of Columbia or offenses against the punitive articles of the Uniform Code of Military Justice (chapter 47 of title 10) require frequent (as determined by the appropriate administrative authority with the concurrence of the Commission) direct contact with these individuals in their detention, direction, supervision, inspection, training, employment, care, transportation, or rehabilitation.

(d) An employee who is involuntarily separated from the service, except by removal for cause on charges of misconduct or delinquency, after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to a reduced annuity.

(e) An employee who is separated from the service after becoming 62 years of age and completing 5 years of service is entitled to an annuity.

(f) A Member who is separated from the service after becoming 62 years of age and completing 5 years of civilian service or after becoming 60 years of age and completing 10 years of Member service is entitled to an annuity. A Member who is separated from the service after becoming 55 years of age (but before becoming 60 years of age) and completing 30 years of service is entitled to a reduced annuity. A Member who is separated from the service, except by resignation or

1 expulsion, after completing 25 years of service or after becoming 50
 2 years of age and (1) completing 20 years of service or (2) serving in
 3 9 Congresses is entitled to a reduced annuity.

4 (g) An annuity or reduced annuity authorized by this section is
 5 computed under section 8339 of this title.

6 **§ 8337. Disability retirement**

7 (a) An employee who completes 5 years of civilian service and is
 8 found by the Civil Service Commission to have become disabled shall
 9 be retired on his own application or on application by his agency. A
 10 Member who completes 5 years of Member service and is found by the
 11 Commission to have become disabled shall be retired on his own ap-
 12 plication. An annuity authorized by this section is computed under
 13 section 8339 of this title.

14 (b) A claim may be allowed under this section only if the applica-
 15 tion is filed with the Commission before the employee or Member is
 16 separated from the service or within 1 year thereafter. This time
 17 limitation may be waived by the Commission for an employee or Mem-
 18 ber who at the date of separation from service or within 1 year
 19 thereafter is mentally incompetent, if the application is filed with the
 20 Commission within 1 year from the date of restoration of the em-
 21 ployee or Member to competency or the appointment of a fiduciary,
 22 whichever is earlier.

23 (c) An annuitant receiving disability retirement annuity from the
 24 Fund shall be examined under the direction of the Commission—

25 (1) at the end of 1 year from the date of the disability retire-
 26 ment; and

27 (2) annually thereafter until he becomes 60 years of age;
 28 unless his disability is permanent in character. If the annuitant fails
 29 to submit to examination as required by this section, payment of
 30 the annuity shall be suspended until continuance of the disability is
 31 satisfactorily established.

32 (d) If an annuitant receiving disability retirement annuity from
 33 the Fund, before becoming 60 years of age, recovers from his disability,
 34 payment of the annuity terminates on reemployment by the Govern-
 35 ment or 1 year after the date of the medical examination showing
 36 the recovery, whichever is earlier. If an annuitant receiving dis-
 37 ability retirement annuity from the Fund, before becoming 60 years
 38 of age, is restored to an earning capacity fairly comparable to the
 39 current rate of pay of the position occupied at the time of retirement,
 40 payment of the annuity terminates on reemployment by the Govern-
 41 ment or 1 year after the end of the calendar year in which earning

capacity is so restored, whichever is earlier. Earning capacity is deemed restored if in each of 2 succeeding calendar years the income of the annuitant from wages or self-employment or both equals at least 80 percent of the current rate of pay of the position occupied immediately before retirement.

(e) If an annuitant whose annuity is terminated under subsection (d) of this section is not reemployed in a position within the purview of this subchapter, he is deemed, except for service credit, to have been involuntarily separated from the service for the purpose of this subchapter as of the date of termination of the disability annuity, and after that termination is entitled to annuity under the applicable provisions of this subchapter. If an annuitant whose annuity is heretofore or hereafter terminated because of an earning capacity provision of this subchapter or an earlier statute—

(1) is not reemployed in a position within the purview of this subchapter; and

(2) has not recovered from the disability for which he was retired;

his annuity shall be restored at the same rate effective the first of the year following any calendar year in which his income from wages or self-employment or both is less than 80 percent of the current rate of pay of the position occupied immediately before retirement. If an annuitant whose annuity is heretofore or hereafter terminated because of a medical finding that he has recovered from disability is not reemployed in a position within the purview of this subchapter, his annuity shall be restored at the same rate effective from the date of medical examination showing a recurrence of the disability. The second and third sentences of this subsection do not apply to an individual who has become 62 years of age and is receiving or is eligible to receive annuity under the first sentence of this subsection.

(f) An individual is not entitled to receive an annuity under this subchapter and compensation for injury or disability to himself under subchapter I of chapter 81 of this title covering the same period of time. This provision does not bar the right of a claimant to the greater benefit conferred by either subchapter for any part of the same period of time. Neither this provision nor any provision of subchapter I of chapter 81 of this title denies to an individual an annuity accruing to him under this subchapter on account of service performed by him, or denies any concurrent benefit to him under subchapter I of chapter 81 of this title on account of the death of another individual.

1 (g) The right of an individual entitled to an annuity under this sub-
 2 chapter is not affected because he has received a lump-sum payment
 3 for compensation under section 8135 of this title. However, if the
 4 annuity is payable on account of the same disability for which com-
 5 pensation under section 8135 of this title has been paid, so much of
 6 the compensation as has been paid for a period extended beyond the
 7 date the annuity becomes effective, as determined by the Department
 8 of Labor, shall be refunded to that Department to be covered into the
 9 Employees' Compensation Fund. Before the individual may receive
 10 the annuity he shall—

11 (1) refund to the Department of Labor the amount represent-
 12 ing the commuted compensation payments for the extended
 13 period; or

14 (2) authorize the deduction of that amount from the annuity
 15 payable to him under this subchapter, which amount shall be
 16 transmitted to the Department of Labor for reimbursement to the
 17 Employees' Compensation Fund.

18 Deductions from the annuity may be made from accrued and accruing
 19 payments. When the Department of Labor finds that the financial
 20 circumstances of the annuitant warrant deferred refunding, deductions
 21 from the annuity may be prorated against and paid from accruing
 22 payments in such manner as that Department determines.

23 § 8338. Deferred retirement

24 (a) An employee who is separated from the service or transferred
 25 to a position not within the purview of this subchapter after complet-
 26 ing 5 years of civilian service is entitled to an annuity beginning at the
 27 age of 62 years.

28 (b) A Member who, after December 31, 1955, is separated from the
 29 service as a Member after completing 5 years of civilian service is en-
 30 titled to an annuity beginning at the age of 62 years. A Member who
 31 is separated from the service after completing 10 or more years of
 32 Member service is entitled to an annuity beginning at the age of 60
 33 years. A Member who is separated from the service after completing
 34 20 or more years of service, including 10 or more years of Member
 35 service, is entitled to a reduced annuity beginning at the age of 50
 36 years.

37 (c) An annuity or reduced annuity authorized by this section is
 38 computed under section 8339 of this title.

39 § 8339. Computation of annuity

40 (a) Except as otherwise provided by this section, the annuity of an
 41 employee retiring under this subchapter is—

(1) $11\frac{1}{2}$ percent of his average pay multiplied by so much of his total service as does not exceed 5 years; plus

(2) $13\frac{3}{4}$ percent of his average pay multiplied by so much of his total service as exceeds 5 years but does not exceed 10 years; plus

(3) 2 percent of his average pay multiplied by so much of his total service as exceeds 10 years.

However, when it results in a larger annuity, 1 percent of his average pay plus \$25 is substituted for the percentage specified by paragraph (1), (2), or (3) of this subsection, or any combination thereof.

(b) The annuity of a Congressional employee, or former Congressional employee, retiring under this subchapter is computed under subsection (a) of this section, except, if he has had—

(1) at least 5 years' service as a Congressional employee or Member or any combination thereof; and

(2) deductions withheld from his pay or has made deposit covering his last 5 years of civilian service;

his annuity is computed, with respect to so much of his service as a Congressional employee and his military service as does not exceed a total of 15 years and any Member service, by multiplying $21\frac{1}{2}$ percent of his average pay by the years of that service.

(c) The annuity of a Member, or former Member with title to Member annuity, retiring under this subchapter is computed under subsection (a) of this section, except, if he has had at least 5 years' service as a Member or Congressional employee or any combination thereof, his annuity is computed with respect to—

(1) his service as a Member and so much of his military service as is creditable for the purpose of this paragraph; and

(2) so much of his Congressional employee service as does not exceed 15 years;

by multiplying $21\frac{1}{2}$ percent of his average pay by the years of that service.

(d) The annuity of an employee retiring under section 8336(c) of this title is 2 percent of his average pay multiplied by his total service.

(e) The annuity computed under subsections (a)–(d) of this section may not exceed 80 percent of—

(1) the average pay of the employee; or

(2) the final basic pay of the Member.

(f) The annuity of an employee or Member retiring under section

1 8337 of this title is at least the smaller of—

2 (1) 40 percent of his average pay; or

3 (2) the sum obtained under subsections (a)–(c) of this section
4 after increasing his service of the type last performed by the
5 period elapsing between the date of separation and the date he
6 becomes 60 years of age.

7 However, this subsection does not increase the annuity of a survivor.

8 (g) The annuity computed under subsections (a)–(c) and (e) of
9 this section for an employee retiring under section 8336 (b) or (d) of
10 this title, or a Member retiring under the second or third sentence of
11 section 8336(f) of this title or the third sentence of section 8338(b)
12 of this title, is reduced by $\frac{1}{12}$ of 1 percent for each full month not in
13 excess of 60 months, and $\frac{1}{6}$ of 1 percent for each full month in excess
14 of 60 months, the employee or Member is under 60 years of age at the
15 date of separation.

16 (h) The annuity computed under subsections (a)–(g) of this sec-
17 tion is reduced by 10 percent of a deposit described by section 8334
18 (c) of this title remaining unpaid, unless the employee or Member
19 elects to eliminate the service involved for the purpose of annuity
20 computation.

21 (i) The annuity computed under subsections (a)–(h) of this sec-
22 tion (excluding any increase because of retirement under section 8337
23 of this title) for a married employee or Member retiring under this
24 subchapter, or any portion of that annuity designated in writing for
25 the purpose of section 8341(b) of this title by the employee or Mem-
26 ber at the time of retirement, is reduced by $2\frac{1}{2}$ percent of so much
27 thereof as does not exceed \$3,600 and by 10 percent of so much thereof
28 as exceeds \$3,600, unless the employee or Member notifies the Civil
29 Service Commission in writing at the time of retirement that he does
30 not desire his spouse to receive an annuity under section 8341(b) of
31 this title.

32 (j) At the time of retiring under section 8336 or 8338 of this title,
33 an unmarried employee or Member who is found to be in good health
34 by the Commission may elect a reduced annuity instead of an annuity
35 computed under subsections (a)–(h) of this section and name in writ-
36 ing an individual having an insurable interest in the employee or
37 Member to receive an annuity under section 8341(c) of this title after
38 the death of the retired employee or Member. The annuity of the
39 employee or Member making the election is reduced by 10 percent,
40 and by 5 percent for each full 5 years the individual named is younger

1 than the retiring employee or Member. However, the total reduc-
2 tion may not exceed 40 percent.

3 (k) The annuity computed under subsections (a)–(j) of this section
4 for an employee who is a citizen of the United States is increased by \$36
5 for each year of service in the employ of—

6 (1) the Alaska Engineering Commission, or The Alaska Rail-
7 road, in Alaska between March 12, 1914, and July 1, 1923; or

8 (2) the Isthmian Canal Commission, or the Panama Railroad
9 Company, on the Isthmus of Panama between May 4, 1904, and
10 April 1, 1914.

11 **§ 8340. Cost-of-living adjustment of annuities**

12 (a) After January 1 of each year the Civil Service Commission
13 shall determine the percent change in the price index from the later
14 of 1962 or the year preceding the most recent cost-of-living adjust-
15 ment to the latest complete year. On the basis of this determination,
16 and effective April 1 of any year after the price index change equals
17 a rise of at least 3 percent, each annuity payable from the Fund which
18 has a commencing date earlier than January 2 of the preceding year
19 shall be increased by the percent rise in the price index adjusted to
20 the nearest $\frac{1}{10}$ of 1 percent.

21 (b) Eligibility for an annuity increase under this section is gov-
22 erned by the commencing date of each annuity payable from the Fund
23 as of the effective date of an increase, except as follows:

24 (1) Effective from the date of the first increase under this
25 section, an annuity payable from the Fund to an annuitant's sur-
26 vivor (except a child entitled under section 8341(e) of this title),
27 which annuity commenced the day after the death of the an-
28 nuitant, shall be increased as provided by subsection (a) of this
29 section if the commencing date of annuity to the annuitant was
30 earlier than January 2 of the year preceding the first increase.

31 (2) Effective from its commencing date, an annuity payable
32 from the Fund to an annuitant's survivor (except a child en-
33 titled under section 8341(e) of this title), which annuity com-
34 mences the day after the death of the annuitant and after the
35 effective date of the first increase under this section, shall be in-
36 creased by the total percent increase the annuitant was receiving
37 under this section at death.

38 (3) For the purpose of computing an annuity which com-
39 mences after the effective date of the first increase under this
40 section to a child under section 8341(e) of this title, the items
41 \$600, \$720, \$1,800, and \$2,160 appearing in section 8341(e) of

1 this title shall be increased by the total percent increase allowed
 2 and in force under this section, and, in case of a deceased an-
 3 nuitant, the items 40 percent and 50 percent appearing in sec-
 4 tion 8341(e) of this title shall be increased by the total percent
 5 increase allowed and in force under this section to the annuitant
 6 at death. Effective from the date of the first increase under this
 7 section, this paragraph applies as if the first increase were in
 8 effect with respect to computation of the annuity of a child under
 9 section 8341(e) of this title which commenced between January 2
 10 of the year preceding the first increase and the effective date of
 11 the first increase.

12 (c) This section does not authorize an increase in an additional
 13 annuity purchased at retirement by voluntary contributions.

14 (d) The monthly installment of annuity after adjustment under
 15 this section is fixed at the nearest dollar.

16 **§ 8341. Survivor annuities**

17 (a) For the purpose of this section—

18 (1) “widow” means the surviving wife of an employee or Mem-
 19 ber who—

20 (A) was married to him for at least 2 years immediately
 21 before his death; or

22 (B) is the mother of issue by that marriage;

23 (2) “widower” means the surviving husband of an employee or
 24 Member who—

25 (A) was married to her for at least 2 years immediately
 26 before her death; or

27 (B) is the father of issue by that marriage;

28 (3) “dependent widower” means a widower who—

29 (A) is incapable of self-support because of mental or
 30 physical disability; and

31 (B) received more than half his support from the em-
 32 ployee or Member; and

33 (4) “child” means—

34 (A) an unmarried child under 18 years of age, including
 35 (i) an adopted child, and (ii) a stepchild or recognized
 36 natural child who received more than half his support from
 37 and lived with the employee or Member in a regular parent-
 38 child relationship;

39 (B) such unmarried child regardless of age who is in-
 40 capable of self-support because of mental or physical disa-
 41 bility incurred before age 18; or

(C) such unmarried child between 18 and 21 years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution.

For the purpose of this paragraph and subsection (e) of this section, a child whose 21st birthday occurs before July 1 or after August 31 of a calendar year, and while he is regularly pursuing such a course of study or training, is deemed to have become 21 years of age on the first day of July after that birthday. A child who is a student is deemed not to have ceased to be a student during an interim between school years if the interim is not more than 4 months and if he shows to the satisfaction of the Civil Service Commission that he has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the school semester (or other period into which the school year is divided) immediately after the interim.

(b) If an employee or Member dies after having retired under this subchapter and is survived by a spouse to whom he was married at the time of retirement, the spouse is entitled to an annuity equal to 55 percent of an annuity computed under section 8339(a)-(h) of this title as may apply with respect to the annuitant, or of such portion thereof as may have been designated for this purpose under section 8339(i) of this title, unless the employee or Member has notified the Commission in writing at the time of retirement that he does not desire his spouse to receive this annuity. The annuity of the spouse commences on the day after the retired employee or Member dies. This annuity and the right thereto terminate on the last day of the month before the spouse dies or remarries.

(c) The annuity of a survivor named under section 8339(j) of this title is 55 percent of the reduced annuity of the retired employee or Member. The annuity of the survivor commences on the day after the retired employee or Member dies. This annuity and the right thereto terminate on the last day of the month before the survivor dies.

(d) If an employee or Member dies after completing at least 5 years of civilian service, the widow or dependent widower of the employee or Member is entitled to an annuity equal to 55 percent of an annuity computed under section 8339(a)-(e) and (h) of this title as may apply with respect to the employee or Member. The annuity of the widow or dependent widower commences on the day after the em-

1 employee or Member dies. This annuity and the right thereto terminate
2 on the last day of the month before—

3 (1) the widow or dependent widower dies or remarries; or

4 (2) the dependent widower becomes capable of self-support.

5 (e) (1) If an employee or Member dies after completing at least 5
6 years of civilian service, or an employee or Member dies after retiring
7 under this subchapter, and is survived by a spouse, each surviving
8 child who received more than half of his support from the em-
9 ployee or Member is entitled to an annuity equal to the smallest of—

10 (A) 40 percent of the average pay of the employee or Member
11 divided by the number of children;

12 (B) \$600; or

13 (C) \$1,800 divided by the number of children.

14 If the employee or Member is not survived by a spouse, each surviving
15 child is entitled to an annuity equal to the smallest of—

16 (i) 50 percent of the average pay of the employee or Member
17 divided by the number of children;

18 (ii) \$720; or

19 (iii) \$2,160 divided by the number of children.

20 (2) The annuity of the child commences on the day after the em-
21 ployee or Member dies. This annuity granted under this subchapter
22 or under the Act of May 29, 1930, as amended from and after February
23 28, 1948, and the right thereto terminate on the last day of the month
24 before the child—

25 (A) becomes 18 years of age unless incapable of self-support;

26 (B) becomes capable of self-support after age 18; or

27 (C) dies or marries.

28 However, the annuity of a child who is a student as described by sub-
29 section (a) (4) of this section terminates on the last day of the month
30 before he—

31 (i) ceases to be such a student;

32 (ii) becomes 21 years of age; or

33 (iii) dies or marries.

34 On the death of the surviving spouse or termination of the annuity
35 of a child, the annuity of any other child or children shall be recom-
36 puted and paid as though the spouse or child had not survived the
37 employee or Member.

38 (f) If a Member heretofore or hereafter separated from the service
39 with title to deferred annuity from the Fund hereafter dies before
40 having established a valid claim for annuity and is survived by a

1 spouse to whom married at the date of separation, the surviving
2 spouse—

3 (1) is entitled to an annuity equal to 55 percent of the deferred
4 annuity of the Member commencing on the day after the Member
5 dies and terminating on the last day of the month before the sur-
6 viving spouse dies or remarries; or

7 (2) may elect to receive the lump-sum credit instead of annuity
8 if the spouse is the individual who would be entitled to the lump-
9 sum credit and files application therefor with the Commission be-
10 fore the award of the annuity.

11 **§ 8342. Lump-sum benefits; designation of beneficiary; order of**
12 **precedence**

13 (a) An employee or Member who is separated from the service, or is
14 transferred to a position not within the purview of this subchapter, is
15 entitled to be paid the lump-sum credit if his separation or transfer
16 occurs and application for payment is filed with the Civil Service
17 Commission at least 31 days before the earliest commencing date of
18 any annuity for which he is eligible. The receipt of payment of the
19 lump-sum credit by the individual voids all annuity rights under this
20 subchapter, until he is reemployed in the service subject to this sub-
21 chapter. This subsection also applies to an employee or Member
22 separated before October 1, 1956, after completing at least 20 years of
23 civilian service.

24 (b) Under regulations prescribed by the Commission, a present or
25 former employee or Member may designate a beneficiary or benefici-
26 aries for the purpose of this subchapter.

27 (c) Lump-sum benefits authorized by subsections (d)–(f) of this
28 section shall be paid to the person or persons surviving the employee
29 or Member and alive at the date title to the payment arises in the fol-
30 lowing order of precedence, and the payment bars recovery by any
31 other person :

32 First, to the beneficiary or beneficiaries designated by the em-
33 ployee or Member in a writing received in the Commission before
34 his death.

35 Second, if there is no designated beneficiary, to the widow or
36 widower of the employee or Member.

37 Third, if none of the above, to the child or children of the
38 employee or Member and descendants of deceased children by
39 representation.

40 Fourth, if none of the above, to the parents of the employee or
41 Member or the survivor of them.

1 Fifth, if none of the above, to the duly appointed executor or
2 administrator of the estate of the employee or Member.

3 Sixth, if none of the above, to such other next of kin of the
4 employee or Member as the Commission determines to be entitled
5 under the laws of the domicile of the employee or Member at the
6 date of his death.

7 (d) If an employee or Member dies—

8 (1) without a survivor; or

9 (2) with a survivor or survivors and the right of all survivors
10 terminates before a claim for survivor annuity is filed;
11 or if a former employee or Member not retired dies, the lump-sum
12 credit shall be paid.

13 (e) If all annuity rights under this subchapter based on the service
14 of a deceased employee or Member terminate before the total annuity
15 paid equals the lump-sum credit, the difference shall be paid.

16 (f) If an annuitant dies, annuity accrued and unpaid shall be paid.

17 (g) Annuity accrued and unpaid on the termination, except by
18 death, of the annuity of an annuitant or survivor annuitant shall be
19 paid to that individual. Annuity accrued and unpaid on the death of
20 a survivor annuitant shall be paid in the following order of prece-
21 dence, and the payment bars recovery by any other person:

22 First, to the duly appointed executor or administrator of the
23 estate of the survivor annuitant.

24 Second, if there is no executor or administrator, payment may
25 be made, after 30 days from the date of death of the survivor
26 annuitant, to such next of kin of the survivor annuitant as the
27 Commission determines to be entitled under the laws of the
28 domicile of the survivor annuitant at the date of his death.

29 (h) Amounts deducted and withheld from the basic pay of an em-
30 ployee or Member from the first day of the first month which begins
31 after he has performed sufficient service (excluding service which the
32 employee or Member elects to eliminate for the purpose of annuity
33 computation under section 8339 of this title) to entitle him to the
34 maximum annuity provided by section 8339 of this title, together
35 with interest on the amounts at the rate of 3 percent a year com-
36 pounded annually from the date of the deductions to the date of
37 retirement or death, shall be applied toward any deposit due under
38 section 8334 of this title, and any balance not so required is deemed
39 a voluntary contribution for the purpose of section 8343 of this title.

40 (i) An employee who—

41 (1) is separated from the service before July 12, 1960; and

(2) continues in the service after July 12, 1960, without break in service of 1 workday or more; is entitled to the benefits of subsection (h) of this section.

§ 8343. Additional annuities; voluntary contributions

(a) Under regulations prescribed by the Civil Service Commission, an employee or Member may voluntarily contribute additional sums in multiples of \$25, but the total may not exceed 10 percent of his basic pay for creditable service after July 31, 1920. The voluntary contribution account in each case is the sum of unrefunded contributions, plus interest at 3 percent a year compounded annually to—

(1) the date of payment under subsection (d) of this section, separation, or transfer to a position not within the purview of this subchapter, whichever is earliest; or

(2) the commencing date fixed for a deferred annuity or date of death, whichever is earlier, in the case of an individual who is separated with title to deferred annuity and does not claim the voluntary contribution account.

(b) The voluntary contribution account is used to purchase at retirement an annuity in addition to the annuity otherwise provided. For each \$100 in the voluntary contribution account, the additional annuity consists of \$7, increased by 20 cents for each full year, if any, the employee or Member is over 55 years of age at the date of retirement.

(c) A retiring employee or Member may elect a reduced additional annuity instead of the additional annuity described by subsection (b) of this section and designate in writing an individual to receive after his death an annuity of 50 percent of his reduced additional annuity. The additional annuity of the employee or Member making the election is reduced by 10 percent, and by 5 percent for each full 5 years the individual designated is younger than the retiring employee or Member. However, the total reduction may not exceed 40 percent.

(d) A present or former employee or Member is entitled to be paid the voluntary contribution account if he files application for payment with the Commission before receiving an additional annuity. An individual who has been paid the voluntary contribution account may not again deposit additional sums under this section until, after a separation from the service of more than 3 calendar days, he again becomes subject to this subchapter.

(e) If a present or former employee or Member not retired dies, the voluntary contribution account is paid under section 8342(c) of this title. If all additional annuities or any right thereto based on the

1 voluntary contribution account of a deceased employee or Member
 2 terminate before the total additional annuity paid equals the account,
 3 the difference is paid under section 8342(c) of this title.

4 **§ 8344. Annuities and pay on reemployment**

5 (a) If an annuitant receiving annuity from the Fund, except—

6 (1) a disability annuitant whose annuity is terminated because
 7 of his recovery or restoration of earning capacity;

8 (2) an annuitant whose annuity is based on an involuntary
 9 separation from the service other than an automatic separation;

10 or

11 (3) a Member receiving annuity from the Fund;

12 becomes employed after September 30, 1956, or on July 31, 1956 was
 13 serving, in an appointive or elective position, his service on and after
 14 the date he was or is so employed is covered by this subchapter.

15 Deductions for the Fund may not be withheld from his pay. An
 16 amount equal to the annuity allocable to the period of actual employ-
 17 ment shall be deducted from his pay. If the annuitant serves on a
 18 full-time basis, except as President, for at least 1 year in employment
 19 not excluding him from coverage under section 8331(1)(i) or (ii) of
 20 this title—

21 (A) his annuity on termination of employment is increased by
 22 an annuity computed under section 8339 (a), (b), (d), (g), and
 23 (h) of this title as may apply based on the period of employment
 24 and the basic pay, before deduction, averaged during that em-
 25 ployment; and

26 (B) his lump-sum credit may not be reduced by annuity paid
 27 during that employment.

28 If the described employment of the annuitant continues for at least
 29 5 years, he may elect, instead of the benefits provided by this subsec-
 30 tion, to deposit in the Fund an amount computed under section 8334(c)
 31 of this title covering that employment and have his rights redetermined
 32 under this subchapter. A similar right to redetermination after
 33 deposit is applicable to an annuitant—

34 (i) whose annuity is based on an involuntary separation from
 35 the service; and

36 (ii) who is separated after October 3, 1961, following a period
 37 of employment on a full-time basis which began before October
 38 1, 1956.

39 The employment of an annuitant under this subsection does not create
 40 an annuity for or affect the annuity of a survivor.

(b) If a Member receiving annuity from the Fund becomes employed in an appointive or elective position, annuity payments are discontinued during the employment and resumed in the same amount on termination of the employment, except that—

(1) the retired Member or Member separated with title to immediate or deferred annuity, who serves at any time after separation as a Member in an appointive position in which he is within the purview of this subchapter, is entitled, if he so elects, to have his Member annuity computed or recomputed as if the service had been performed before his separation as a Member and the annuity as so computed or recomputed is effective—

(A) the day Member annuity commences; or

(B) the day after the date of separation from the appointive position;
whichever is later;

(2) if the retired Member becomes employed after December 31, 1958, in an appointive position on an intermittent-service basis—

(A) his annuity continues during the employment and is not increased as a result of service performed during that employment;

(B) retirement deductions may not be withheld from his pay;

(C) an amount equal to the annuity allocable to the period of actual employment shall be deducted from his pay; and

(D) the amounts so deducted shall be deposited in the Treasury of the United States to the credit of the Fund;

(3) if the retired Member becomes employed after December 31, 1958, in an appointive position without pay on a full-time or substantially full-time basis, his annuity continues during the employment and is not increased as a result of service performed during the employment; and

(4) if the retired Member takes office as Member and gives notice as provided by section 8331(2) of this title, his service as Member during that period shall be credited in determining his right to and the amount of later annuity.

This subsection does not apply to a Member appointed by the President to a position not requiring confirmation by the Senate.

§ 8345. Payment of benefits; commencement, termination, and waiver of annuity

1 (a) Each annuity is stated as an annual amount, one-twelfth of
2 which, fixed at the nearest dollar, constitutes the monthly rate payable
3 on the first business day of the month after the month or other period
4 for which it has accrued.

5 (b) Except as otherwise provided, the annuity of an employee or
6 Member commences on the day after he is separated from the service,
7 or on the day after his pay ceases and he meets the service and the age
8 or disability requirements for title to annuity. An annuity payable
9 from the Fund allowed after September 5, 1960, commences on the
10 day after the occurrence of the event on which payment thereof is
11 based.

12 (c) The annuity of a retired employee or Member terminates on the
13 day death or other terminating event provided by this subchapter
14 occurs. The annuity of a survivor terminates on the last day of the
15 month before death or other terminating event occurs.

16 (d) An individual entitled to annuity from the Fund may decline
17 to accept all or any part of the annuity by a waiver signed and filed
18 with the Civil Service Commission. The waiver may be revoked in
19 writing at any time. Payment of the annuity waived may not be
20 made for the period during which the waiver was in effect.

21 (e) Payment due a minor, or an individual mentally incompetent or
22 under other legal disability, may be made to the person who is con-
23 stituted guardian or other fiduciary by the law of the State of residence
24 of the claimant or is otherwise legally vested with the care of the
25 claimant or his estate. If a guardian or other fiduciary of the indi-
26 vidual under legal disability has not been appointed under the law
27 of the State of residence of the claimant, payment may be made to any
28 person who, in the judgment of the Commission, is responsible for
29 the care of the claimant, and the payment bars recovery by any other
30 person.

31 **§ 8346. Exemption from legal process; recovery of payments**

32 (a) The money mentioned by this subchapter is not assignable, either
33 in law or equity, or subject to execution, levy, attachment, garnish-
34 ment, or other legal process.

35 (b) Recovery of payments under this subchapter may not be made
36 from an individual when, in the judgment of the Civil Service Com-
37 mission, the individual is without fault and recovery would be against
38 equity and good conscience. Withholding or recovery of money
39 mentioned by this subchapter on account of a certification or payment
40 made by a former employee of the United States in the discharge of
41 his official duties may be made only if the head of the agency on behalf

1 of which the certification or payment was made certifies to the Com-
2 mission that the certification or payment involved fraud on the part
3 of the former employee.

4 **§ 8347. Administration; regulations**

5 (a) The Civil Service Commission shall administer this subchapter.
6 Except as otherwise specifically provided herein, the Commission shall
7 perform, or cause to be performed, such acts and prescribe such regu-
8 lations as are necessary and proper to carry out this subchapter.

9 (b) Applications under this subchapter shall be in such form as the
10 Commission prescribes. Agencies shall support the applications by
11 such certificates as the Commission considers necessary to the deter-
12 mination of the rights of applicants. The Commission shall adjudi-
13 cate all claims under this subchapter.

14 (c) The Commission shall determine questions of disability and
15 dependency arising under this subchapter. The decisions of the Com-
16 mission concerning these matters are final and conclusive and are not
17 subject to review. The Commission may direct at any time such medi-
18 cal or other examinations as it considers necessary to determine the
19 facts concerning disability or dependency of an individual receiving or
20 applying for annuity under this subchapter. The Commission may
21 suspend or deny annuity for failure to submit to examination.

22 (d) An administrative action or order affecting the rights or inter-
23 ests of an individual or of the United States under this subchapter
24 may be appealed to the Commission under procedures prescribed by
25 the Commission.

26 (e) The Commission shall fix the fees for examinations made under
27 this subchapter by physicians or surgeons who are not medical officers
28 of the United States. The fees and reasonable traveling and other
29 expenses incurred in connection with the examinations are paid from
30 appropriations for the cost of administering this subchapter.

31 (f) The Commission shall select three actuaries, to be known as the
32 Board of Actuaries of the Civil Service Retirement System. The
33 Commission shall fix the pay of the members of the Board, except
34 members otherwise in the employ of the United States. The Board
35 shall report annually on the actuarial status of the System and furnish
36 its advice and opinion on matters referred to it by the Commission.
37 The Board may recommend to the Commission and to Congress
38 such changes as in the Board's judgment are necessary to protect the
39 public interest and maintain the System on a sound financial basis.
40 The Commission shall keep, or cause to be kept, such records as it con-
41 siders necessary for making periodic actuarial valuations of the Sys-

1 tem. The Board shall make actuarial valuations every 5 years, or
2 oftener if considered necessary by the Commission.

3 (g) The Commission may exclude from the operation of this sub-
4 chapter an employee or group of employees in or under an Executive
5 agency whose employment is temporary or intermittent.

6 (h) The Commission, on recommendation by the Commissioners of
7 the District of Columbia, may exclude from the operation of this sub-
8 chapter an individual or group of individuals employed by the govern-
9 ment of the District of Columbia whose employment is temporary or
10 intermittent.

11 (i) The Architect of the Capitol may exclude from the operation
12 of this subchapter an employee under the Office of the Architect of
13 the Capitol whose employment is temporary or of uncertain duration.

14 (j) The Librarian of Congress may exclude from the operation of
15 this subchapter an employee under the Library of Congress whose
16 employment is temporary or of uncertain duration.

17 (k) The Secretary of Agriculture shall prescribe regulations to
18 effect the application and operation of this subchapter to an individual
19 named by section 8331(1) (F) of this title.

20 § 8348. Civil Service Retirement and Disability Fund

21 (a) There is a Civil Service Retirement and Disability Fund. The
22 Fund is appropriated for the payment of benefits as provided by this
23 subchapter.

24 (b) The Secretary of the Treasury may accept and credit to the
25 Fund money received in the form of a donation, gift, legacy, or be-
26 quest, or otherwise contributed for the benefit of civil-service em-
27 ployees generally.

28 (c) The Secretary shall immediately invest in interest-bearing
29 securities of the United States such currently available portions of the
30 Fund as are not immediately required for payments from the Fund.
31 The income derived from these investments constitutes a part of the
32 Fund.

33 (d) The purposes for which obligations of the United States may be
34 issued under the Second Liberty Bond Act, as amended, are extended
35 to authorize the issuance at par of public-debt obligations for pur-
36 chase by the Fund. The obligations issued for purchase by the Fund
37 shall have maturities fixed with due regard for the needs of the Fund
38 and bear interest at a rate equal to the average market yield computed
39 as of the end of the calendar month next preceding the date of the
40 issue, borne by all marketable interest-bearing obligations of the
41 United States then forming a part of the public debt which are not due

or callable until after the expiration of 4 years from the end of that calendar month. If the average market yield is not a multiple of $\frac{1}{8}$ of 1 percent, the rate of interest on the obligations shall be the multiple of $\frac{1}{8}$ of 1 percent nearest the average market yield.

(e) The Secretary may purchase other interest-bearing obligations of the United States, or obligations guaranteed as to both principal and interest by the United States, on original issue or at the market price only if he determines that the purchases are in the public interest.

(f) The Civil Service Commission shall submit estimates of the appropriations necessary to finance the Fund on a normal cost plus interest basis and to carry out this subchapter.

(g) Money now or hereafter contained in the Fund may not be used to pay an increase in annuity benefits or a new annuity benefit under this subchapter or an earlier statute which is authorized by amendment thereof until and unless an appropriation is made to the Fund in an amount which the Commission estimates to be sufficient to prevent an immediate increase in the unfunded accrued liability of the Fund.

CHAPTER 85—UNEMPLOYMENT COMPENSATION

SUBCHAPTER I—EMPLOYEES GENERALLY

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SUBCHAPTER I—EMPLOYEES GENERALLY

§ 8501. Definitions

For the purpose of this subchapter—

(1) "Federal service" means service performed after 1952 in the employ of the United States, an instrumentality of the United States which is wholly or partially owned by the United States, a Federal land bank, a Federal intermediate credit bank, and a bank for cooperatives, but does not include service (except service to which subchapter II of this chapter applies) performed—

(A) by an elective official in the executive or legislative branch;

1 (B) as a member of the armed forces;

2 (C) by foreign service personnel for whom special sepa-
3 ration allowances are provided under chapter 14 of title 22;

4 (D) outside the United States, the Commonwealth of
5 Puerto Rico, and the Virgin Islands by an individual who is
6 not a citizen of the United States;

7 (E) by an individual excluded by regulations of the Civil
8 Service Commission from the operation of subchapter III
9 of chapter 83 of this title because he is paid on a contract or
10 fee basis;

11 (F) by an individual receiving nominal pay and allow-
12 ances of \$12 or less a year;

13 (G) in a hospital, home, or other institution of the United
14 States by a patient or inmate thereof;

15 (H) by a student-employee as defined by section 5351 of
16 this title;

17 (I) by an individual serving on a temporary basis in case
18 of fire, storm, earthquake, flood, or other similar emergency;

19 (J) by an individual employed under a Federal relief
20 program to relieve him from unemployment;

21 (K) as a member of a State, county, or community com-
22 mittee under the Agricultural Stabilization and Conservation
23 Service or of any other board, council, committee, or other
24 similar body, unless the board, council, committee, or other
25 body is composed exclusively of individuals otherwise in the
26 full-time employ of the United States; or

27 (L) by an officer or a member of the crew on or in con-
28 nection with an American vessel—

29 (i) owned by or bareboat chartered to the United
30 States; and

31 (ii) whose business is conducted by a general agent
32 of the Secretary of Commerce;

33 if contributions on account of the service are required to be
34 made to an unemployment fund under a State unemployment
35 compensation statute under section 3305(g) of title 26;

36 (2) "Federal wages" means all pay and allowances, in cash
37 and in kind, for Federal service;

38 (3) "Federal employee" means an individual who has per-
39 formed Federal service;

(4) "compensation" means cash benefits payable to an individual with respect to his unemployment including any portion thereof payable with respect to dependents;

(5) "benefit year" means the benefit year as defined by the applicable State unemployment compensation statute, and if not so defined the term means the period prescribed in the agreement under this subchapter with a State or, in the absence of such an agreement, the period prescribed by the Secretary of Labor; and

(6) "State" means the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

§ 8502. Compensation under State agreement

(a) The Secretary of Labor, on behalf of the United States, may enter into an agreement with a State, or with an agency administering the unemployment compensation statute of a State, under which the State agency shall—

(1) pay, as agent of the United States, compensation under this subchapter to Federal employees; and

(2) otherwise cooperate with the Secretary and with other State agencies in paying compensation under this subchapter.

(b) Except as provided by subsection (c) of this section, the agreement shall provide that compensation will be paid by the State to a Federal employee in the same amount, on the same terms, and subject to the same conditions as the compensation which would be payable to him under the unemployment compensation statute of the State if his Federal service and Federal wages assigned under section 8504 of this title to the State had been included as employment and wages under that State statute.

(c) In the case of the Commonwealth of Puerto Rico, the agreement shall provide that compensation will be paid by the Commonwealth to a Federal employee whose Federal service and Federal wages are assigned under section 8504 of this title to the Commonwealth (but only in the case of weeks of unemployment beginning before January 1, 1966), in the same amount, on the same terms, and subject to the same conditions as the compensation which would be payable to him under the unemployment compensation statute of the District of Columbia if his Federal service and Federal wages had been included as employment and wages under that statute. However, if the Federal employee, without regard to his Federal service and Federal wages, has employment or wages sufficient to qualify for compensation during the benefit year under that statute, then payments of compensation under this subsection may be made only on

1 the basis of his Federal service and Federal wages. In applying
2 this subsection, employment and wages under the unemployment com-
3 pensation statute of the Commonwealth may not be combined with
4 Federal service or Federal wages.

5 (d) A determination by a State agency with respect to entitlement
6 to compensation under an agreement is subject to review in the same
7 manner and to the same extent as determinations under the State
8 unemployment compensation statute, and only in that manner and to
9 that extent.

10 (e) Each agreement shall provide the terms and conditions on which
11 it may be amended or terminated.

12 **§ 8503. Compensation absent State agreement**

13 (a) In the case of a Federal employee whose Federal service and
14 Federal wages are assigned under section 8504 of this title to a State
15 which does not have an agreement with the Secretary of Labor, the
16 Secretary, under regulations prescribed by him, shall, on the filing
17 by the Federal employee of a claim for compensation under this sub-
18 section, pay compensation to him in the same amount, on the same
19 terms, and subject to the same conditions as would be paid to him
20 under the unemployment compensation statute of the State if his
21 Federal service and Federal wages had been included as employment
22 and wages under that State statute. However, if the Federal em-
23 ployee, without regard to his Federal service and Federal wages,
24 has employment or wages sufficient to qualify for compensation dur-
25 ing the benefit year under that State statute, then payments of
26 compensation under this subsection may be made only on the basis
27 of his Federal service and Federal wages. For the purpose of this
28 subsection, "State" does not include the Commonwealth of Puerto
29 Rico in the case of weeks of unemployment beginning before January
30 1, 1966.

31 (b) In the case of a Federal employee whose Federal service and
32 Federal wages are assigned under section 8504 of this title to—

33 (1) the Virgin Islands; or

34 (2) the Commonwealth of Puerto Rico with respect to weeks of
35 unemployment beginning before January 1, 1966;

36 the Secretary, under regulations prescribed by him and on the filing
37 of a claim for compensation under this subsection by the Federal
38 employee, shall pay the compensation to him in the same amounts, on
39 the same terms, and subject to the same conditions as would be paid
40 to him under the unemployment compensation statute of the District
41 of Columbia if his Federal service and Federal wages had been in-

1 cluded as employment and wages under that statute. However, if the
 2 Federal employee, without regard to his Federal service and Federal
 3 wages, has employment or wages sufficient to qualify for compensation
 4 during the benefit year under that statute, then payments of compen-
 5 sation under this subsection may be made only on the basis of his
 6 Federal service and Federal wages. In the case of weeks of unem-
 7 ployment beginning before January 1, 1966, this subsection applies
 8 with respect to the Commonwealth of Puerto Rico only if the Com-
 9 monwealth does not have an agreement under this subchapter with
 10 the Secretary. In applying this subsection, employment and wages
 11 under the unemployment compensation statute of the Commonwealth
 12 may not be combined with Federal service or Federal wages.

13 (c) A Federal employee whose claim for compensation under sub-
 14 section (a) or (b) of this section is denied is entitled to a fair hearing
 15 under regulations prescribed by the Secretary. A final determination
 16 by the Secretary with respect to entitlement to compensation under
 17 this section is subject to review by the courts in the same manner and
 18 to the same extent as is provided by section 405(g) of title 42.

19 (d) For the purpose of this section, the Secretary may—

20 (1) use the personnel and facilities of the agency in the Virgin
 21 Islands cooperating with the United States Employment Service
 22 under chapter 4B of title 29; and

23 (2) delegate to officials of that agency the authority granted to
 24 him by this section when he considers the delegation to be neces-
 25 sary in carrying out the purpose of this subchapter.

26 For the purpose of payments made to that agency under chapter 4B
 27 of title 29, the furnishing of the personnel and facilities is deemed a
 28 part of the administration of the public employment offices of that
 29 agency.

30 § 8504. Assignment of Federal service and wages

31 Under regulations prescribed by the Secretary of Labor, the Fed-
 32 eral service and Federal wages of a Federal employee shall be assigned
 33 to the State in which he had his last official station in Federal service
 34 before the filing of his first claim for compensation for the benefit
 35 year. However—

36 (1) if, at the time of filing his first claim, he resides in another
 37 State in which he performed, after the termination of his Federal
 38 service, service covered under the unemployment compensation
 39 statute of the other State, his Federal service and Federal wages
 40 shall be assigned to the other State;

1 (2) if his last official station in Federal service, before filing
2 his first claim, was outside the United States, his Federal service
3 and Federal wages shall be assigned to the State where he resides
4 at the time he files his first claim; and

5 (3) if his first claim is filed—

6 (A) before January 1, 1966, while he is residing in the
7 Commonwealth of Puerto Rico; or

8 (B) while he is residing in the Virgin Islands;

9 his Federal service and Federal wages shall be assigned to the
10 one in which he resides.

11 In the case of a first claim filed before January 1, 1966, "United
12 States" in paragraph (2) of this section does not include the Common-
13 wealth of Puerto Rico.

14 **§ 8505. Payments to States**

15 (a) Each State is entitled to be paid by the United States an amount
16 equal to the additional cost to the State of payments of compensation
17 in accordance with an agreement under this subchapter which would
18 not have been made by the State but for the agreement.

19 (b) Each State shall be paid, either in advance or by way of reim-
20 bursement, as may be determined by the Secretary of Labor, the sum
21 that the Secretary estimates the State is entitled to receive under this
22 subchapter for each calendar month. The sum shall be reduced or
23 increased by the amount which the Secretary finds that his estimate
24 for an earlier calendar month was greater or less than the sum which
25 should have been paid to the State. An estimate may be made on the
26 basis of a statistical, sampling, or other method agreed on by the
27 Secretary and the State agency.

28 (c) The Secretary, from time to time, shall certify to the Secretary
29 of the Treasury the sum payable to each State under this section.
30 The Secretary of the Treasury, before audit or settlement by the
31 General Accounting Office, shall pay the State in accordance with the
32 certification from the funds for carrying out the purposes of this sub-
33 chapter.

34 (d) Money paid a State under this subchapter may be used solely
35 for the purposes for which it is paid. Money so paid which is not
36 used for these purposes shall be returned, at the time specified by the
37 agreement, to the Treasury of the United States and credited to cur-
38 rent applicable appropriations, funds, or accounts from which pay-
39 ments to States under this subchapter may be made.

(e) An agreement may—

(1) require each State officer or employee who certifies payments or disburses funds under the agreement, or who otherwise participates in its performance, to give a surety bond to the United States in the amount the Secretary considers necessary; and

(2) provide for payment of the cost of the bond from funds for carrying out the purposes of this subchapter.

(f) In the absence of gross negligence or intent to defraud the United States, an individual designated by the Secretary, or designated under an agreement, as a certifying official is not liable for the payment of compensation certified by him under this subchapter.

(g) In the absence of gross negligence or intent to defraud the United States, a disbursing official is not liable for a payment by him under this subchapter if it was based on a voucher signed by a certifying official designated as provided by subsection (f) of this section.

(h) For the purpose of payments made to a State under subchapter III of chapter 7 of title 42, administration by a State agency under an agreement is deemed a part of the administration of the State unemployment compensation statute.

§ 8506. Dissemination of information

(a) Each agency of the United States, wholly or partially owned instrumentality of the United States, Federal land bank, Federal intermediate credit bank, and bank for cooperatives shall make available to State agencies which have agreements under this subchapter, or to the Secretary of Labor, as the case may be, such information concerning the Federal service and Federal wages of a Federal employee as the Secretary considers practicable and necessary for the determination of the entitlement of the Federal employee to compensation under this subchapter. The information shall include the findings of the employing agency concerning—

(1) whether or not the Federal employee has performed Federal service;

(2) the periods of Federal service;

(3) the amount of Federal wages; and

(4) the reasons for termination of Federal service.

The employing agency shall make the findings in the form and manner prescribed by regulations of the Secretary. The regulations shall include provision for correction by the employing agency of errors and

1 omissions. Findings made in accordance with the regulations are
 2 final and conclusive for the purpose of sections 8502(d) and 8503(c)
 3 of this title. This subsection does not apply with respect to Federal
 4 service and Federal wages covered by subchapter II of this chapter.

5 (b) The agency administering the unemployment compensation
 6 statute of a State shall furnish the Secretary such information as he
 7 considers necessary or appropriate in carrying out this subchapter.
 8 The information is deemed the report required by the Secretary for
 9 the purpose of section 503(a)(6) of title 42.

10 **§ 8507. False statements and misrepresentations**

11 (a) If a State agency, the Secretary of Labor, or a court of com-
 12 petent jurisdiction finds that an individual—

13 (1) knowingly has made, or caused to be made by another, a
 14 false statement or representation of a material fact, or knowingly
 15 has failed, or caused another to fail, to disclose a material fact;
 16 and

17 (2) as a result of that action has received an amount as com-
 18 pensation under this subchapter to which he was not entitled;
 19 the individual shall repay the amount to the State agency or the Secre-
 20 tary. Instead of requiring repayment under this subsection, the State
 21 agency or the Secretary may recover the amount by deductions from
 22 compensation payable to the individual under this subchapter during
 23 the 2-year period after the date of the finding. A finding by a State
 24 agency or the Secretary may be made only after an opportunity for a
 25 fair hearing, subject to such further review as may be appropriate
 26 under sections 8502(d) and 8503(c) of this title.

27 (b) An amount repaid under subsection (a) of this section shall
 28 be—

29 (1) deposited in the fund from which payment was made, if
 30 the repayment was to a State agency; or

31 (2) returned to the Treasury of the United States and credited
 32 to the current applicable appropriation, fund, or account from
 33 which payment was made, if the repayment was to the Secretary.

34 **§ 8508. Regulations**

35 The Secretary of Labor may prescribe rules and regulations neces-
 36 sary to carry out this subchapter and subchapter II of this chapter.
 37 The Secretary, insofar as practicable, shall consult with representa-
 38 tives of the State unemployment compensation agencies before pre-
 39 scribing rules or regulations which may affect the performance by the
 40 State agencies of functions under agreements under this subchapter.

SUBCHAPTER II—EX-SERVICEMEN

§ 8521. Definitions; application

(a) For the purpose of this subchapter—

(1) “Federal service” means active service, including active duty for training purposes, in the armed forces which either began after January 31, 1955, or terminated after October 27, 1958, if—

(A) that service was continuous for 90 days or more, or was terminated earlier because of an actual service-incurred injury or disability; and

(B) with respect to that service, the individual—

(i) was discharged or released under conditions other than dishonorable; and

(ii) was not given a bad conduct discharge, or, if an officer, did not resign for the good of the service; and

(2) “Federal wages” means all pay and allowances, in cash and in kind, for Federal service, computed on the basis of the pay and allowances for the pay grade of the individual at the time of his latest discharge or release from Federal service as specified in the schedule applicable at the time he files his first claim for compensation for the benefit year. The Secretary of Labor shall issue, from time to time, after consultation with the Secretary of Defense, schedules specifying the pay and allowances for each pay grade of servicemen covered by this subchapter, which reflect representative amounts for appropriate elements of the pay and allowances whether in cash or in kind.

(b) The provisions of subchapter I of this chapter, subject to the modifications made by this subchapter, apply to individuals who have had Federal service as defined by subsection (a) of this section.

§ 8522. Assignment of Federal service and wages

Notwithstanding section 8504 of this title, Federal service and Federal wages not previously assigned shall be assigned to the State or to the Virgin Islands, as the case may be, in which the claimant first files claim for unemployment compensation after his latest discharge or release from Federal service. This assignment is deemed an assignment under section 8504 of this title for the purpose of this subchapter.

§ 8523. Dissemination of information

(a) When designated by the Secretary of Labor, an agency of the United States shall make available to the appropriate State agency or to the Secretary, as the case may be, such information, including findings in the form and manner prescribed by regulations of the Secre-

1 tary, as the Secretary considers practicable and necessary for the
2 determination of the entitlement of an individual to compensation
3 under this subchapter.

4 (b) Subject to correction of errors and omissions as prescribed
5 by regulations of the Secretary, the following are final and conclusive
6 for the purpose of sections 8502(d) and 8503(c) of this title:

7 (1) Findings by an agency of the United States made in accord-
8 ance with subsection (a) of this section with respect to—

9 (A) whether or not an individual has met any condition
10 specified by section 8521(a) (1) of this title;

11 (B) the periods of Federal service; and

12 (C) the pay grade of the individual at the time of his
13 latest discharge or release from Federal service.

14 (2) The schedules of pay and allowances prescribed by the
15 Secretary under section 8521(a) (2) of this title.

16 § 8524. Accrued leave

17 For the purpose of this subchapter, a payment for unused accrued
18 leave under section 501(b) of title 37 at the termination of Federal
19 service is deemed—

20 (1) to continue that Federal service during the period after the
21 termination with respect to which the individual received the
22 payment; and

23 (2) Federal wages, subject to regulations prescribed by the
24 Secretary of Labor concerning allocation over the period after
25 termination.

26 § 8525. Effect on other statutes

27 (a) An individual eligible to receive a mustering-out payment under
28 chapter 43 of title 38 is not entitled to compensation under this sub-
29 chapter with respect to weeks of unemployment completed—

30 (1) within 30 days after his discharge or release if he receives
31 \$100 in mustering-out payments;

32 (2) within 60 days after his discharge or release if he receives
33 \$200 in mustering-out payments; or

34 (3) within 90 days after his discharge or release if he receives
35 \$300 in mustering-out payments.

36 (b) An individual is not entitled to compensation under this sub-
37 chapter for any period with respect to which he receives—

38 (1) an education and training allowance under section 1632(a)-
39 (d) of title 38;

40 (2) a subsistence allowance under chapter 31 of title 38 or under
41 part VIII of Veterans Regulation Numbered 1(a); or

(3) an educational assistance allowance under chapter 35 of title 38.

(c) An individual—

(1) who meets the wage and employment requirements for compensation under the statute of the State to which his Federal service and Federal wages have been assigned (or, in the case of the Commonwealth of Puerto Rico and the Virgin Islands, the statute of the District of Columbia) but would not meet the requirements except by the use of the Federal service and Federal wages; or

(2) whose weekly unemployment compensation computed according to the statute of the State (or the statute of the District of Columbia, as the case may be) is increased by the use of the Federal service and Federal wages;

is not thereafter entitled to unemployment compensation under subchapter I of chapter 41 of title 38.

CHAPTER 87—LIFE INSURANCE

Sec.

8701. Definition.

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8704. Group insurance; amounts.

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§ 8701. Definition

(a) For the purpose of this chapter, "employee" means—

(1) an employee as defined by section 2105 of this title;

(2) a Member of Congress as defined by section 2106 of this title;

(3) a Congressional employee as defined by section 2107 of this title;

(4) the President;

(5) an individual employed by the government of the District of Columbia;

(6) an individual employed by Gallaudet College;

(7) a United States commissioner to whom subchapter III of chapter 83 of this title applies by operation of section 8331(1)(E) of this title;

1 (8) an individual employed by a county committee established
2 under section 590h(b) of title 16; and

3 (9) an individual appointed to a position on the office staff of a
4 former President under section 1(b) of the Act of August 25,
5 1958 (72 Stat. 838);

6 but does not include—

7 (A) an employee of a corporation supervised by the Farm
8 Credit Administration if private interests elect or appoint a
9 member of the board of directors;

10 (B) a noncitizen employee whose permanent duty station is
11 outside the United States; or

12 (C) an employee excluded by regulation of the Civil Service
13 Commission under section 8716(b) of this title.

14 (b) Notwithstanding subsection (a) of this section, the employ-
15 ment of a teacher in the recess period between two school years in a
16 position other than a teaching position in which he served immedi-
17 ately before the recess period does not qualify the individual as an
18 employee for the purpose of this chapter. For the purpose of this
19 subsection, “teacher” and “teaching position” have the meanings given
20 them by section 901 of title 20.

21 § 8702. Automatic coverage

22 (a) An employee is automatically insured on the date he becomes
23 eligible for insurance and each policy of insurance purchased by the
24 Civil Service Commission under this chapter shall provide for that
25 automatic coverage.

26 (b) An employee desiring not to be insured shall give written notice
27 to his employing office on a form prescribed by the Commission. If
28 the notice is received before he has become insured, he shall not be
29 insured. If the notice is received after he has become insured, his
30 insurance stops at the end of the pay period in which the notice is
31 received.

32 § 8703. Benefit certificate

33 The Civil Service Commission shall arrange to have each insured
34 employee receive a certificate setting forth the benefits to which he is
35 entitled, to whom the benefits are payable, to whom the claims shall be
36 submitted, and summarizing the provisions of the policy principally
37 affecting him. The certificate is issued instead of the certificate which
38 the insurance company would otherwise be required to issue.

39 § 8704. Group insurance; amounts

40 (a) An employee eligible for insurance is entitled to be insured for
41 an amount of group life insurance approximating his annual pay not

1 exceeding \$20,000 plus an equal amount of group accidental death and
2 dismemberment insurance, in accordance with the following schedule:

If annual pay is—		The amount of group life insur- ance is—	The amount of group accidental death and dis- memberment insurance is—
Greater than—	But not greater than—		
0.....	\$1,000.....	\$1,000	\$1,000
\$1,000.....	2,000.....	2,000	2,000
\$2,000.....	3,000.....	3,000	3,000
\$3,000.....	4,000.....	4,000	4,000
\$4,000.....	5,000.....	5,000	5,000
\$5,000.....	6,000.....	6,000	6,000
\$6,000.....	7,000.....	7,000	7,000
\$7,000.....	8,000.....	8,000	8,000
\$8,000.....	9,000.....	9,000	9,000
\$9,000.....	10,000.....	10,000	10,000
\$10,000.....	11,000.....	11,000	11,000
\$11,000.....	12,000.....	12,000	12,000
\$12,000.....	13,000.....	13,000	13,000
\$13,000.....	14,000.....	14,000	14,000
\$14,000.....	15,000.....	15,000	15,000
\$15,000.....	16,000.....	16,000	16,000
\$16,000.....	17,000.....	17,000	17,000
\$17,000.....	18,000.....	18,000	18,000
\$18,000.....	19,000.....	19,000	19,000
\$19,000.....	.....	20,000	20,000

3 (b) Subject to the conditions and limitations approved by the Civil
4 Service Commission which are contained in the policy purchased by
5 the Commission, the group accidental death and dismemberment in-
6 surance provides payment as follows:

Loss	Amount payable
For loss of life.....	Full amount shown in the schedule in subsection (a) of this section.
Loss of one hand or of one foot or loss of sight of one eye.	One-half the amount shown in the schedule in subsection (a) of this section.
Loss of two or more such members....	Full amount shown in the schedule in subsection (a) of this section.

7 For any one accident the aggregate amount of group accidental death
8 and dismemberment insurance that may be paid may not exceed the
9 amount shown in the schedule in subsection (a) of this section.

10 (c) The Commission shall prescribe regulations providing for the
11 conversion of other than annual rates of pay to annual rates of pay
12 and shall specify the types of pay included in annual pay.

13 (d) In determining the amount of insurance to which an employee
14 is entitled—

15 (1) a change in rate of pay under section 5337 of this title is
16 deemed effective as of the first day of the pay period after the
17 pay period in which the payroll change is approved; and

18 (2) a change in rate of pay under section 5343 of this title is
19 deemed effective as of the date of issuance of the order granting
20 the increase or the effective date of the increase, whichever is
21 later.

1 **§ 8705. Death claims; order of precedence; escheat**

2 (a) The amount of group life insurance and group accidental death
3 insurance in force on an employee at the date of his death shall be
4 paid, on the establishment of a valid claim, to the person or persons
5 surviving at the date of his death, in the following order of prece-
6 dence:

7 First, to the beneficiary or beneficiaries designated by the em-
8 ployee in a writing received in the employing office before death.

9 Second, if there is no designated beneficiary, to the widow or
10 widower of the employee.

11 Third, if none of the above, to the child or children of the em-
12 ployee and descendants of deceased children by representation.

13 Fourth, if none of the above, to the parents of the employee or
14 the survivor of them.

15 Fifth, if none of the above, to the duly appointed executor or
16 administrator of the estate of the employee.

17 Sixth, if none of the above, to other next of kin of the employee
18 entitled under the laws of the domicile of the employee at the date
19 of his death.

20 (b) If, within 1 year after the death of the employee, no claim for
21 payment has been filed by a person entitled under the order of prece-
22 dence named by subsection (a) of this section, or if payment to the
23 person within that period is prohibited by Federal statute or regula-
24 tion, payment may be made in the order of precedence as if the person
25 had predeceased the employee, and the payment bars recovery by any
26 other person.

27 (c) If, within 2 years after the death of the employee, no claim
28 for payment has been filed by a person entitled under the order of
29 precedence named by subsection (a) of this section, and neither the
30 Civil Service Commission nor the administrative office established by
31 the company concerned pursuant to section 8709(b) of this title has
32 received notice that such a claim will be made, payment may be made
33 to the claimant who in the judgment of the Commission is equitably
34 entitled thereto, and the payment bars recovery by any other person.

35 (d) If, within 4 years after the death of the employee, payment
36 has not been made under this section and no claim for payment by a
37 person entitled under this section is pending, the amount payable
38 escheats to the credit of the Employees' Life Insurance Fund.

39 **§ 8706. Termination of insurance**

40 (a) A policy purchased under this chapter shall contain a provision,
41 approved by the Civil Service Commission, to the effect that insurance

1 on an employee stops on his separation from the service or 12 months
 2 after discontinuance of his pay, whichever is earlier, subject to a pro-
 3 vision for temporary extension of life insurance coverage and for con-
 4 version to an individual policy of life insurance under conditions
 5 approved by the Commission.

6 (b) If on the date the insurance would otherwise stop the employee
 7 retires on an immediate annuity and—

8 (1) his retirement is for disability; or

9 (2) he has completed 12 years of creditable service as deter-
 10 mined by the Commission;

11 his life insurance only may be continued, without cost to him, under
 12 conditions determined by the Commission. Periods of honorable,
 13 active service in the armed forces shall be credited toward the re-
 14 quired 12 years if the employee has completed at least 5 years of
 15 civilian service. The amount of life insurance continued under this
 16 subsection shall be reduced by 2 percent at the end of each full calen-
 17 dar month after the date the employee becomes 65 years of age or
 18 retires, whichever is later. The Commission may prescribe minimum
 19 amounts, not less than 25 percent of the amount of life insurance in
 20 force before the first reduction, to which the insurance may be reduced.

21 (c) If on the date the insurance would otherwise stop the employee
 22 is receiving benefits under subchapter I of chapter 81 of this title
 23 because of disease or injury to himself, his life insurance only may
 24 be continued, without cost to him, under conditions determined by
 25 the Commission while he is receiving the benefits and is held by the
 26 Department of Labor to be unable to return to duty.

27 (d) The insurance granted to an employee stops, except for a 31-day
 28 extension of life insurance coverage, on the day immediately before
 29 his entry on active duty or active duty for training unless the period
 30 of duty is covered by military leave with pay. The insurance does not
 31 stop during a period of inactive duty training. For the purpose of
 32 this subsection, the terms “active duty”, “active duty for training”, and
 33 “inactive duty training” have the meanings given them by section 101
 34 of title 38.

35 § 8707. Employee deductions; withholding

36 During each period in which an employee is insured under a policy
 37 of insurance purchased by the Civil Service Commission under section
 38 8709 of this title, an amount determined by the Commission shall be
 39 withheld from the pay of the employee as his share of the cost of his
 40 group life and accidental death and dismemberment insurance. The
 41 amount may not exceed the rate of 25 cents biweekly for each \$1,000

1 of his group life insurance. The amount withheld from an employee
2 paid on other than a biweekly basis is determined at a proportional
3 rate adjusted to the nearest cent.

4 **§ 8708. Government contributions**

5 (a) For each period in which an employee is insured under a policy
6 of insurance purchased by the Civil Service Commission under section
7 8709 of this title, a sum computed at a rate determined by the Com-
8 mission shall be contributed from the appropriation or fund which
9 is used to pay him. The sum may not exceed one-half the amount
10 which is withheld from the pay of the employee under section 8707
11 of this title.

12 (b) When an employee is paid by the Clerk of the House of Repre-
13 sentatives, the Clerk may contribute the sum required by subsection
14 (a) of this section from the contingent fund of the House.

15 (c) When the employee is an elected official, the sum required by
16 subsection (a) of this section is contributed from an appropriation
17 or fund available for payment of other salaries of the same office or
18 establishment.

19 **§ 8709. Insurance policies**

20 (a) The Civil Service Commission, without regard to section 5 of
21 title 41, may purchase from one or more life insurance companies a
22 policy or policies of group life and accidental death and dismember-
23 ment insurance to provide the benefits specified by this chapter. A
24 company must meet the following requirements:

25 (1) It must be licensed to transact life and accidental death and
26 dismemberment insurance under the laws of 48 of the States and
27 the District of Columbia.

28 (2) It must have in effect, on the most recent December 31 for
29 which information is available to the Commission, an amount of
30 employee group life insurance equal to at least 1 percent of the
31 total amount of employee group life insurance in the United
32 States in all life insurance companies.

33 (b) A company issuing a policy under subsection (a) of this sec-
34 tion shall establish an administrative office under a name approved
35 by the Commission.

36 (c) The Commission at any time may discontinue a policy pur-
37 chased from a company under subsection (a) of this section.

38 **§ 8710. Reinsurance**

39 (a) The Civil Service Commission shall arrange with a company
40 issuing a policy under this chapter for the reinsurance, under con-
41 ditions approved by the Commission, of portions of the total amount

1 of insurance under the policy, determined under this section, with
 2 other life insurance companies which elect to participate in the
 3 reinsurance.

4 (b) The Commission shall determine for and in advance of a policy
 5 year which companies are eligible to participate as reinsurers and the
 6 amount of insurance under a policy which is to be allocated to the
 7 issuing company and to reinsurers. The Commission shall make this
 8 determination at least every 3 years and when a participating com-
 9 pany withdraws.

10 (c) The Commission shall establish a formula under which the
 11 amount of insurance retained by an issuing company after ceding re-
 12 insurance, and the amount of reinsurance ceded to each reinsurer, is
 13 in proportion to the total amount of each company's group life insur-
 14 ance, excluding insurance purchased under this chapter, in force in
 15 the United States on the determination date, which is the most recent
 16 December 31 for which information is available to the Commission.
 17 In determining the proportions, the portion of a company's group life
 18 insurance in force on the determination date in excess of \$100,000,000
 19 shall be reduced by—

- 20 (1) 25 percent of the first \$100,000,000 of the excess;
- 21 (2) 50 percent of the second \$100,000,000 of the excess;
- 22 (3) 75 percent of the third \$100,000,000 of the excess; and
- 23 (4) 95 percent of the remaining excess.

24 However, the amount retained by or ceded to a company may not
 25 exceed 25 percent of the amount of the company's total life insurance
 26 in force in the United States on the determination date.

27 (d) A fraternal benefit association which is—

- 28 (1) licensed to transact life insurance under the laws of a
 29 State or the District of Columbia; and
- 30 (2) engaged in issuing insurance certificates on the lives of
 31 employees of the United States exclusively;

32 is eligible to act as a reinsuring company and may be allocated an
 33 amount of reinsurance equal to 25 percent of its total life insurance
 34 in force on employees of the United States on the determination date
 35 named by subsection (c) of this section.

36 (e) An issuing company or reinsurer is entitled, as a minimum, to
 37 be allocated an amount of insurance under the policy equal to any
 38 reduction from December 31, 1953, to the determination date, in the
 39 amount of the company's group life insurance under policies issued
 40 to associations of employees of the United States. However, any in-
 41 crease under this subsection in the amount allocated is reduced by the

1 amount in force on the determination date of any policy covering life
2 insurance agreements assumed by the Commission.

3 (f) The Commission may modify the computations under this sec-
4 tion as necessary to carry out the intent of this section.

5 **§ 8711. Basic tables of premium rates**

6 (a) A policy purchased under this chapter shall include, for the
7 first policy year, basic tables of premium rates as follows:

8 (1) For group life insurance, a schedule of basic premium
9 rates by age which the Civil Service Commission determines to be
10 consistent with the lowest schedule of basic premium rates gener-
11 ally charged for new group life insurance policies issued to large
12 employers.

13 (2) For group accidental death and dismemberment insurance,
14 a basic premium rate which the Commission determines is con-
15 sistent with the lowest rate generally charged for new group
16 accidental death and dismemberment policies issued to large em-
17 ployers.

18 The schedule for group life insurance, except as otherwise provided
19 by this section, shall be applied to the distribution by age of the
20 amounts of group life insurance under the policy at its date of issuance
21 to determine an average basic premium rate per \$1,000 of life insur-
22 ance.

23 (b) The policy shall provide that the basic premium rates de-
24 termined for the first policy year continue for later policy years
25 except as readjusted for a later year based on experience under
26 the policy. The company issuing the policy may make the readjust-
27 ment on a basis that the Commission determines in advance of the
28 policy year is consistent with the general practice of life insurance
29 companies under policies of group life and group accidental death
30 and dismemberment insurance issued to large employers.

31 (c) The policy shall provide that if the Commission determines
32 that ascertaining the actual age distribution of the amounts of group
33 life insurance in force at the date of issue of the policy or at the end
34 of the first or any later year of insurance thereunder would not
35 be possible except at a disproportionately high expense, the Commis-
36 sion may approve the determination of a tentative average group life
37 premium rate, for the first or any later policy year, instead of
38 using the actual age distribution. The Commission, on request by the
39 company issuing the policy, shall redetermine the tentative average
40 premium rate during any policy year, if experience indicates that the

1 assumptions made in determining that rate were incorrect for that
2 year.

3 (d) The policy shall stipulate the maximum expense and risk
4 charges for the first policy year. The Commission shall determine
5 these charges on a basis consistent with the general level of charges
6 made by life insurance companies under policies of group life and
7 accidental death and dismemberment insurance issued to large em-
8 ployers. The maximum charges continue from year to year, except
9 that the Commission may redetermine them for any year either by
10 agreement with the company issuing the policy or on written notice
11 given to the company at least 1 year before the beginning of the year
12 for which the redetermined maximum charges will be effective.

13 **§ 8712. Annual accounting; special contingency reserve**

14 A policy purchased under this chapter shall provide for an account-
15 ing to the Civil Service Commission not later than 90 days after the
16 end of each policy year. The accounting shall set forth, in a form
17 approved by the Commission—

18 (1) the amounts of premiums actually accrued under the
19 policy from its date of issue to the end of the policy year;

20 (2) the total of all mortality and other claim charges incurred
21 for that period; and

22 (3) the amounts of the insurers' expense and risk charges for
23 that period.

24 An excess of the total of paragraph (1) of this section over the sum of
25 paragraphs (2) and (3) of this section shall be held by the company
26 issuing the policy as a special contingency reserve to be used by the
27 company only for charges under the policy. The reserve shall bear in-
28 terest at a rate determined in advance of each policy year by the com-
29 pany and approved by the Commission as being consistent with the
30 rates generally used by the company for similar funds held under other
31 group life insurance policies. When the Commission determines that
32 the special contingency reserve has attained an amount estimated by
33 it to make satisfactory provision for adverse fluctuations in future
34 charges under the policy, any further excess shall be deposited in the
35 Treasury of the United States to the credit of the Employees' Life
36 Insurance Fund. When a policy is discontinued, any balance remain-
37 ing in the special contingency reserve after all charges have been made
38 shall be deposited in the Treasury to the credit of the Fund. The
39 company may make the deposit in equal monthly installments over a
40 period of not more than 2 years.

1 **§ 8713. Advisors**

2 (a) There is an Advisory Council on Group Insurance consisting of
3 the Secretary of the Treasury as Chairman, the Secretary of Labor,
4 and the Director of the Bureau of the Budget. The Council mem-
5 bers serve without additional pay. The Council shall—

6 (1) meet once a year, or oftener as called by the Civil Service
7 Commission;

8 (2) review the operations under this chapter; and

9 (3) advise the Commission on matters of policy relating to its
10 activities thereunder.

11 (b) The Chairman of the Commission shall appoint a committee
12 composed of five employees insured under this chapter, who serve
13 without additional pay, to advise the Commission regarding matters
14 of concern to employees under this chapter.

15 **§ 8714. Employees' Life Insurance Fund**

16 (a) The amounts withheld from employees under section 8707 of
17 this title and the sums contributed from appropriations and funds
18 under section 8708 of this title shall be deposited in the Treasury of
19 the United States to the credit of the Employees' Life Insurance Fund.
20 The Fund is available without fiscal year limitation for—

21 (1) premium payments under an insurance policy purchased
22 under this chapter; and

23 (2) expenses incurred by the Civil Service Commission in the
24 administration of this chapter within the limitations that may
25 be specified annually by appropriation acts.

26 (b) The Secretary of the Treasury may invest and reinvest any of
27 the money in the Fund in interest-bearing obligations of the United
28 States, and may sell these obligations for the purposes of the Fund.
29 The interest on and the proceeds from the sale of these obligations,
30 and the income derived from dividend or premium rate adjustments
31 from insurers, become a part of the Fund.

32 **§ 8715. Jurisdiction of courts**

33 The district courts of the United States have original jurisdiction,
34 concurrent with the Court of Claims, of a civil action or claim against
35 the United States founded on this chapter.

36 **§ 8716. Regulations**

37 (a) The Civil Service Commission may prescribe regulations neces-
38 sary to carry out the purposes of this chapter.

39 (b) The regulations of the Commission may prescribe the time at
40 which and the conditions under which an employee is eligible for
41 coverage under this chapter. The Commission, after consulting the

head of the agency or other employing authority concerned, may exclude an employee on the basis of the nature and type of his employment or conditions pertaining to it, such as short-term appointment, seasonal, intermittent or part-time employment, and employment of like nature. The Commission may not exclude—

(1) an employee or group of employees solely on the basis of the hazardous nature of employment; or

(2) a teacher in the employ of the Board of Education of the District of Columbia, whose pay is fixed by section 1501 of title 31, District of Columbia Code, on the basis of the fact that the teacher is serving under a temporary appointment if the teacher has been so employed by the Board for a period or periods totaling not less than two school years.

(c) The Secretary of Agriculture shall prescribe regulations to effect the application and operation of this chapter to an individual named by section 8701(a)(8) of this title.

CHAPTER 89—HEALTH INSURANCE

Sec.

8901. Definitions.

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8903. Health benefits plans.

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8907. Information to employees.

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8909. Employees Health Benefits Fund.

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§ 8901. Definitions

For the purpose of this chapter—

(1) “employee” means—

(A) an employee as defined by section 2105 of this title;

(B) a Member of Congress as defined by section 2106 of this title;

(C) a Congressional employee as defined by section 2107 of this title;

(D) the President;

(E) an individual employed by the government of the District of Columbia;

(F) an individual employed by Gallaudet College;

(G) a United States commissioner to whom subchapter III of chapter 83 of this title applies by operation of section 8331(1)(E) of this title; and

1 (H) an individual employed by a county committee
2 established under section 590h(b) of title 16;

3 but does not include—

4 (i) an employee of a corporation supervised by the Farm
5 Credit Administration if private interests elect or appoint a
6 member of the board of directors;

7 (ii) a noncitizen employee whose permanent duty station
8 is outside the United States;

9 (iii) an employee of the Tennessee Valley Authority; or

10 (iv) an employee excluded by regulation of the Civil Serv-
11 ice Commission under section 8913(b) of this title;

12 (2) “Government” means the Government of the United States
13 and the government of the District of Columbia;

14 (3) “annuitant” means—

15 (A) an employee who retires on an immediate annuity un-
16 der subchapter III of chapter 83 of this title or another re-
17 tirement system for employees of the Government, after 12
18 or more years of service or for disability;

19 (B) a member of a family who receives an immediate
20 annuity as the survivor of a retired employee described by
21 subparagraph (A) of this paragraph or of an employee who
22 dies after completing 5 or more years of service;

23 (C) an employee who receives monthly compensation un-
24 der subchapter I of chapter 81 of this title and who is deter-
25 mined by the Secretary of Labor to be unable to return to
26 duty; and

27 (D) a member of a family who receives monthly com-
28 pensation under subchapter I of chapter 81 of this title as
29 the surviving beneficiary of—

30 (i) an employee who, having completed 5 or more
31 years of service, dies as a result of injury or illness com-
32 pensable under that subchapter; or

33 (ii) a former employee who is separated after having
34 completed 5 or more years of service and who dies while
35 receiving monthly compensation under that subchapter
36 and who has been held by the Secretary to have been
37 unable to return to duty;

38 (4) “service”, as used by paragraph (3) of this section, means
39 service which is creditable under subchapter III of chapter 83
40 of this title;

(5) "member of family" means the spouse of an employee or annuitant and an unmarried child under 21 years of age, including—

(A) an adopted child; and

(B) a stepchild, foster child, or recognized natural child who lives with the employee or annuitant in a regular parent-child relationship;

or such an unmarried child regardless of age who is incapable of self-support because of mental or physical disability which existed before age 21;

(6) "health benefits plan" means a group insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar group arrangement provided by a carrier for the purpose of providing, paying for, or reimbursing expenses for health services;

(7) "carrier" means a voluntary association, corporation, partnership, or other nongovernmental organization which is lawfully engaged in providing, paying for, or reimbursing the cost of, health services under group insurance policies or contracts, medical or hospital service agreements, membership or subscription contracts, or similar group arrangements, in consideration of premiums or other periodic charges payable to the carrier, including a health benefits plan duly sponsored or underwritten by an employee organization; and

(8) "employee organization" means an association or other organization of employees which is national in scope, or in which membership is open to all employees of a Government agency who are eligible to enroll in a health benefits plan under this chapter, and which, before January 1, 1964, applied to the Commission for approval of a plan provided under section 8903(3) of this title.

§ 8902. Contracting authority

(a) The Civil Service Commission may contract with qualified carriers offering plans described by section 8903 of this title, without regard to section 5 of title 41 or other statute requiring competitive bidding. Each contract shall be for a uniform term of at least 1 year, but may be made automatically renewable from term to term in the absence of notice of termination by either party.

(b) To be eligible as a carrier for the plan described by section 8903(2) of this title, a company must be licensed to issue group health insurance in all the States and the District of Columbia.

1 (c) A contract for a plan described by section 8903(1) or (2) of
2 this title shall require the carrier—

3 (1) to reinsure with other companies which elect to participate,
4 under an equitable formula based on the total amount of their
5 group health insurance benefit payments in the United States
6 during the latest year for which the information is available, to
7 be determined by the carrier and approved by the Commission; or

8 (2) to allocate its rights and obligations under the contract
9 among its affiliates which elect to participate, under an equitable
10 formula to be determined by the carrier and the affiliates and
11 approved by the Commission.

12 (d) Each contract under this chapter shall contain a detailed
13 statement of benefits offered and shall include such maximums, limi-
14 tations, exclusions, and other definitions of benefits as the Commission
15 considers necessary or desirable.

16 (e) The Commission may prescribe reasonable minimum standards
17 for health benefits plans described by section 8903 of this title and
18 for carriers offering the plans. Approval of a plan may be withdrawn
19 only after notice and opportunity for hearing to the carrier concerned
20 without regard to subchapter II of chapter 5 and chapter 7 of this
21 title. The Commission may terminate the contract of a carrier effec-
22 tive at the end of the contract term, if the Commission finds that at
23 no time during the preceding two contract terms did the carrier have
24 300 or more employees and annuitants, exclusive of family members,
25 enrolled in the plan.

26 (f) A contract may not be made or a plan approved which excludes
27 an individual because of race, sex, health status, or, at the time of the
28 first opportunity to enroll, because of age.

29 (g) A contract may not be made or a plan approved which does
30 not offer to each employee or annuitant whose enrollment in the plan
31 is ended, except by a cancellation of enrollment, a temporary extension
32 of coverage during which he may exercise the option to convert, with-
33 out evidence of good health, to a nongroup contract providing health
34 benefits. An employee or annuitant who exercises this option shall
35 pay the full periodic charges of the nongroup contract.

36 (h) The benefits and coverage made available under subsection (g)
37 of this section are noncancelable by the carrier except for fraud, over-
38 insurance, or nonpayment of periodic charges.

39 (i) Rates charged under health benefits plans described by section
40 8903 of this title shall reasonably and equitably reflect the cost of the
41 benefits provided. Rates under health benefits plans described by sec-

tion 8903 (1) and (2) of this title shall be determined on a basis which, in the judgment of the Commission, is consistent with the lowest schedule of basic rates generally charged for new group health benefit plans issued to large employers. The rates determined for the first contract term shall be continued for later contract terms, except that they may be readjusted for any later term, based on past experience and benefit adjustments under the later contract. Any readjustment in rates shall be made in advance of the contract term in which they will apply and on a basis which, in the judgment of the Commission, is consistent with the general practice of carriers which issue group health benefit plans to large employers.

§ 8903. Health benefits plans

The Civil Service Commission may contract for or approve the following health benefits plans:

(1) **SERVICE BENEFIT PLAN.**—One Government-wide plan, offering two levels of benefits, under which payment is made by a carrier under contracts with physicians, hospitals, or other providers of health services for benefits of the types described by section 8904(1) of this title given to employees or annuitants, or members of their families, or, under certain conditions, payment is made by a carrier to the employee or annuitant or member of his family.

(2) **INDEMNITY BENEFIT PLAN.**—One Government-wide plan, offering two levels of benefits, under which a carrier agrees to pay certain sums of money, not in excess of the actual expenses incurred, for benefits of the types described by section 8904(2) of this title.

(3) **EMPLOYEE ORGANIZATION PLANS.**—Employee organization plans which offer benefits of the types referred to by section 8904 (3) of this title, which are sponsored or underwritten, and are administered, in whole or substantial part, by employee organizations, which are available only to individuals, and members of their families, who at the time of enrollment are members of the organization.

(4) **COMPREHENSIVE MEDICAL PLANS.**—

(A) **GROUP-PRACTICE PREPAYMENT PLANS.**—Group-practice prepayment plans which offer health benefits of the types referred to by section 8904(4) of this title, in whole or in substantial part on a prepaid basis, with professional services thereunder provided by physicians practicing as a group in a common center or centers. The group shall include phy-

sicians representing at least three major medical specialties who receive all or a substantial part of their professional income from the prepaid funds.

(B) **INDIVIDUAL-PRACTICE PREPAYMENT PLANS.**—Individual-practice prepayment plans which offer health services in whole or substantial part on a prepaid basis, with professional services thereunder provided by individual physicians who agree, under certain conditions approved by the Commission, to accept the payments provided by the plans as full payment for covered services given by them including, in addition to in-hospital services, general care given in their offices and the patients' homes, out-of-hospital diagnostic procedures, and preventive care, and which plans are offered by organizations which have successfully operated similar plans before approval by the Commission of the plan in which employees may enroll.

§ 8904. Types of benefits

The benefits to be provided under plans described by section 8903 of this title may be of the following types:

(1) **SERVICE BENEFIT PLAN.**—

- (A) Hospital benefits.
- (B) Surgical benefits.
- (C) In-hospital medical benefits.
- (D) Ambulatory patient benefits.
- (E) Supplemental benefits.
- (F) Obstetrical benefits.

(2) **INDEMNITY BENEFIT PLAN.**—

- (A) Hospital care.
- (B) Surgical care and treatment.
- (C) Medical care and treatment.
- (D) Obstetrical benefits.
- (E) Prescribed drugs, medicines, and prosthetic devices.
- (F) Other medical supplies and services.

(3) **EMPLOYEE ORGANIZATION PLANS.**—Benefits of the types named under paragraph (1) or (2) of this section or both.

(4) **COMPREHENSIVE MEDICAL PLANS.**—Benefits of the types named under paragraph (1) or (2) of this section or both.

All plans contracted for under paragraphs (1) and (2) of this section shall include benefits both for costs associated with care in a general hospital and for other health services of a catastrophic nature.

1 **§ 8905. Election of coverage**

2 (a) An employee may enroll in an approved health benefits plan
3 described by section 8903 of this title either as an individual or for
4 self and family.

5 (b) An annuitant who at the time he becomes an annuitant was
6 enrolled in a health benefits plan under this chapter—

7 (1) as an employee for a period of not less than—

8 (A) the 5 years of service immediately before retirement;

9 (B) the full period or periods of service between the last
10 day of the first period, as prescribed by regulations of the
11 Civil Service Commission, in which he is eligible to enroll in
12 the plan and the date on which he becomes an annuitant; or

13 (C) the full period or periods of service beginning with
14 the enrollment which became effective before January 1, 1965,
15 and ending with the date on which he becomes an annuitant;
16 whichever is shortest; or

17 (2) as a member of the family of an employee or annuitant;
18 may continue his enrollment under the conditions of eligibility pre-
19 scribed by regulations of the Commission.

20 (c) If an employee has a spouse who is an employee, either spouse,
21 but not both, may enroll for self and family, or each spouse may enroll
22 as an individual. However, an individual may not be enrolled both
23 as an employee or annuitant and as a member of the family.

24 (d) An employee or annuitant enrolled in a health benefits plan
25 under this chapter may change his coverage or that of himself and
26 members of his family by an application filed within 60 days after a
27 change in family status or at other times and under conditions pre-
28 scribed by regulations of the Commission.

29 (e) An employee or annuitant may transfer his enrollment from a
30 health benefits plan described by section 8903 of this title to another
31 plan described by that section at the times and under the conditions
32 prescribed by regulations of the Commission.

33 **§ 8906. Contributions**

34 (a) Except as provided by subsection (b) of this section, the Gov-
35 ernment contribution for health benefits for employees or annuitants
36 enrolled in health benefits plans under this chapter, in addition to the
37 contributions required by subsection (c) of this section, is 50 percent
38 of the lowest rates charged by a carrier for a level of benefits offered by
39 a plan under section 8903 (1) or (2) of this title, but—

40 (1) not less than \$1.25 or more than \$1.75 biweekly for an
41 employee or annuitant who is enrolled for self alone; and

1 (2) not less than \$3 or more than \$4.25 biweekly for an em-
2 ployee or annuitant who is enrolled for self and family.

3 (b) The Government contribution for an employee or annuitant
4 enrolled in a plan described by section 8903 (3) or (4) of this title for
5 which the biweekly subscription charge is less than twice the Govern-
6 ment contribution established under subsection (a) of this section, is
7 50 percent of the subscription charge.

8 (c) There shall be withheld from the pay of each enrolled employee
9 and the annuity of each enrolled annuitant and there shall be con-
10 tributed by the Government, amounts, in the same ratio as the con-
11 tributions of the employee or annuitant and the Government under
12 subsections (a) and (b) of this section, which are necessary for the
13 administrative costs and the reserves provided for by section 8909 (b)
14 of this title.

15 (d) The amount necessary to pay the total charge for enrollment,
16 after the Government contribution is deducted, shall be withheld
17 from the pay of each enrolled employee and from the annuity of each
18 enrolled annuitant. The withholding for an annuitant shall be the
19 same as that for an employee enrolled in the same health benefits
20 plan and level of benefits.

21 (e) An employee enrolled in a health benefits plan under this
22 chapter who is placed in a leave without pay status may have his
23 coverage and the coverage of members of his family continued under
24 the plan for not to exceed 1 year under regulations prescribed by the
25 Commission. The regulations may provide for the waiving of con-
26 tributions by the employee and the Government.

27 (f) The Government contributions for health benefits for an em-
28 ployee shall be paid—

29 (1) in the case of employees generally, from the appropriation
30 or fund which is used to pay the employee;

31 (2) in the case of an elected official, from an appropriation or
32 fund available for payment of other salaries of the same office
33 or establishment;

34 (3) in the case of an employee of the legislative branch who
35 is paid by the Clerk of the House of Representatives, from the
36 contingent fund of the House; and

37 (4) in the case of an employee in a leave without pay status,
38 from the appropriation or fund which would be used to pay the
39 employee if he were in a pay status.

1 (g) The Government contributions authorized by subsection (a) of
 2 this section for health benefits for an annuitant shall be paid from an-
 3 nual appropriations which are authorized to be made for that purpose.

4 (h) The Commission shall provide for conversion of biweekly rates
 5 of contribution specified by this section to rates for employees and
 6 annuitants paid on other than a biweekly basis, and for this purpose
 7 may provide for the adjustment of the converted rate to the nearest
 8 cent.

9 **§ 8907. Information to employees**

10 (a) The Civil Service Commission shall make available to each
 11 employee eligible to enroll in a health benefits plan under this chapter
 12 such information, in a form acceptable to the Commission after con-
 13 sultation with the carrier, as may be necessary to enable the employee
 14 to exercise an informed choice among the types of plans described by
 15 section 8903 of this title.

16 (b) Each employee enrolled in a health benefits plan shall be issued
 17 an appropriate document setting forth or summarizing the—

- 18 (1) services or benefits, including maximums, limitations, and
- 19 exclusions, to which the employee or the employee and members
- 20 of his family are entitled thereunder;
- 21 (2) procedure for obtaining benefits; and
- 22 (3) principal provisions of the plan affecting the employee or
- 23 members of his family.

24 **§ 8908. Coverage of restored employee**

25 An employee enrolled in a health benefits plan under this chapter
 26 who is removed or suspended without pay and later reinstated or re-
 27 stored to duty on the ground that the removal or suspension was un-
 28 justified or unwarranted may, at his option, enroll as a new employee
 29 or have his coverage restored, with appropriate adjustments made
 30 in contributions and claims, to the same extent and effect as though
 31 the removal or suspension had not taken place.

32 **§ 8909. Employees Health Benefits Fund**

33 (a) There is in the Treasury of the United States an Employees
 34 Health Benefits Fund which is administered by the Civil Service Com-
 35 mission. The contributions of employees, annuitants, and the Govern-
 36 ment described by section 8906 of this title shall be paid into the
 37 Fund. The Fund is available—

- 38 (1) without fiscal year limitation for all payments to approved
- 39 health benefits plans; and
- 40 (2) to pay expenses for administering this chapter within the
- 41 limitations that may be specified annually by Congress.

1 (b) Portions of the contributions made by employees, annuitants,
2 and the Government shall be regularly set aside in the Fund as follows:

3 (1) A percentage, not to exceed 1 percent of all contributions,
4 determined by the Commission to be reasonably adequate to pay
5 the administrative expenses made available by subsection (a) of
6 this section.

7 (2) For each health benefits plan, a percentage, not to exceed
8 3 percent of the contributions toward the plan, determined by the
9 Commission to be reasonably adequate to provide a contingency
10 reserve.

11 The Commission, from time to time and in amounts it considers
12 appropriate, may transfer unused funds for administrative expenses
13 to the contingency reserves of the plans then under contract with the
14 Commission. When funds are so transferred, each contingency reserve
15 shall be credited in proportion to the total amount of the subscription
16 charges paid and accrued to the plan for the contract term immediately
17 before the contract term in which the transfer is made. The income
18 derived from dividends, rate adjustments, or other refunds made
19 by a plan shall be credited to its contingency reserve. The con-
20 tingency reserves may be used to defray increases in future rates,
21 or may be applied to reduce the contributions of employees and
22 the Government to, or to increase the benefits provided by, the plan
23 from which the reserves are derived, as the Commission from time to
24 time shall determine.

25 (c) The Secretary of the Treasury may invest and reinvest any
26 of the money in the Fund in interest-bearing obligations of the United
27 States, and may sell these obligations for the purposes of the Fund.
28 The interest on and the proceeds from the sale of these obligations
29 become a part of the Fund.

30 (d) When the assets, liabilities, and membership of employee orga-
31 nizations sponsoring or underwriting plans approved under section
32 8903(3) of this title are merged, the assets (including contingency
33 reserves) and liabilities of the plans sponsored or underwritten by the
34 merged organizations shall be transferred at the beginning of the con-
35 tract term next following the date of the merger to the plan sponsored
36 or underwritten by the successor organization. Each employee or
37 annuitant affected by a merger shall be transferred to the plan spon-
38 sored or underwritten by the successor organization unless he enrolls
39 in another plan under this chapter.

1 (e) Except as provided by subsection (d) of this section, when a
2 plan described by section 8903 (3) or (4) of this title is discontinued
3 under this chapter, the contingency reserve of that plan shall be cred-
4 ited to the contingency reserves of the plans continuing under this
5 chapter for the contract term following that in which termination
6 occurs, each reserve to be credited in proportion to the amount of the
7 subscription charges paid and accrued to the plan for the year of
8 termination.

9 **§ 8910. Studies, reports, and audits**

10 (a) The Civil Service Commission shall make a continuing study
11 of the operation and administration of this chapter, including sur-
12 veys and reports on health benefits plans available to employees and
13 on the experience of the plans.

14 (b) Each contract entered into under section 8902 of this title
15 shall contain provisions requiring carriers to—

16 (1) furnish such reasonable reports as the Commission deter-
17 mines to be necessary to enable it to carry out its functions
18 under this chapter; and

19 (2) permit the Commission and representatives of the General
20 Accounting Office to examine records of the carriers as may be
21 necessary to carry out the purposes of this chapter.

22 (c) Each Government agency shall keep such records, make such
23 certifications, and furnish the Commission with such information and
24 reports as may be necessary to enable the Commission to carry out
25 its functions under this chapter.

26 **§ 8911. Advisory committee**

27 The Chairman of the Civil Service Commission shall appoint a com-
28 mittee composed of five members, who serve without pay, to advise
29 the Commission regarding matters of concern to employees under this
30 chapter. Each member of the committee shall be an employee en-
31 rolled under this chapter or an elected official of an employee orga-
32 nization.

33 **§ 8912. Jurisdiction of courts**

34 The district courts of the United States have original jurisdiction,
35 concurrent with the Court of Claims, of a civil action or claim against
36 the United States founded on this chapter.

37 **§ 8913. Regulations**

38 (a) The Civil Service Commission may prescribe regulations neces-
39 sary to carry out this chapter.

1 (b) The regulations of the Commission may prescribe the time at
 2 which and the manner and conditions under which an employee is
 3 eligible to enroll in an approved health benefits plan described by
 4 section 8903 of this title. The regulations may exclude an employee
 5 on the basis of the nature and type of his employment or conditions
 6 pertaining to it, such as short-term appointment, seasonal or inter-
 7 mittent employment, and employment of like nature. The Com-
 8 mission may not exclude—

9 (1) an employee or group of employees solely on the basis of
 10 the hazardous nature of employment; or

11 (2) a teacher in the employ of the Board of Education of the
 12 District of Columbia, whose pay is fixed by section 1501 of title
 13 31, District of Columbia Code, on the basis of the fact that the
 14 teacher is serving under a temporary appointment if the teacher
 15 has been so employed by the Board for a period or periods totaling
 16 not less than two school years.

17 (c) The regulations of the Commission shall provide for the begin-
 18 ning and ending dates of coverage of employees and annuitants and
 19 members of their families under health benefits plans. The regula-
 20 tions may permit the coverage to continue, exclusive of the temporary
 21 extension of coverage described by section 8902(g) of this title, until
 22 the end of the pay period in which an employee is separated from the
 23 service, or until the end of the month in which an annuitant ceases to
 24 be entitled to annuity, and in case of the death of an employee or an-
 25 nuitant, may permit a temporary extension of the coverage of mem-
 26 bers of his family for not to exceed 90 days.

27 (d) The Secretary of Agriculture shall prescribe regulations to
 28 effect the application and operation of this chapter to an individual
 29 named by section 8901(1)(H) of this title.

30 SEC. 2. (a) Section 42 of title 4, United States Code, is amended to
 31 read as follows:

32 **“§ 42. Same; custody and use of**

33 “The Secretary of State shall have the custody and charge of such
 34 seal. Except as provided by section 2902(a) of title 5, the seal shall
 35 not be affixed to any instrument without the special warrant of the
 36 President therefor.”

37 (b) The analysis of chapter 4 of title 4, United States Code, is
 38 amended by redesignating item 111 as “112”, and by inserting after
 39 item 110:

“111. Same; taxation affecting Federal employees; income tax.”

(c) Chapter 4 of title 4, United States Code, is further amended by redesignating section 111 as "112", and by inserting after section 110:

"§ 111. Same; taxation affecting Federal employees; income tax

"The United States consents to the taxation of pay or compensation for personal service as an officer or employee of the United States, a territory or possession or political subdivision thereof, the government of the District of Columbia, or an agency or instrumentality of one or more of the foregoing, by a duly constituted taxing authority having jurisdiction, if the taxation does not discriminate against the officer or employee because of the source of the pay or compensation."

SEC. 3. (a) The analysis of chapter 15 of title 18, United States Code, is amended by adding the following:

"292. Solicitation of employment and receipt of unapproved fees concerning Federal employees' compensation."

(b) Chapter 15 of title 18, United States Code, is amended by adding the following new section:

"§ 292. Solicitation of employment and receipt of unapproved fees concerning Federal employees' compensation

"Whoever solicits employment for himself or another in respect to a case, claim, or award for compensation under, or to be brought under, subchapter I of chapter 81 of title 5; or

"Whoever receives a fee, other consideration, or gratuity on account of legal or other services furnished in respect to a case, claim, or award for compensation under subchapter I of chapter 81 of title 5, unless the fee, consideration, or gratuity is approved by the Secretary of Labor—

"Shall, for each offense, be fined not more than \$1,000 or imprisoned not more than one year, or both."

(c) The analysis of chapter 93 of title 18, United States Code, is amended by adding the following:

"1916. Accepting voluntary service.

"1917. Unauthorized employment and disposition of lapsed appropriations.

"1918. Interference with civil service examinations.

"1919. Disloyalty and asserting the right to strike against the Government.

"1920. False statement to obtain unemployment compensation for Federal Service.

"1921. False statement to obtain Federal employees' compensation.

"1922. Receiving Federal employees' compensation after marriage.

"1923. False or withheld report concerning Federal employees' compensation.

"1924. Fraudulent receipt of payments of missing persons."

(d) Chapter 93 of title 18, United States Code, is amended by adding the following new sections:

"§ 1916. Accepting voluntary service

"Whoever, being an officer or employee of the United States, knowingly and willfully violates the provision of section 3101(b) of title 5

1 that such an officer or employee may not accept voluntary service for
 2 the United States or employ personal service in excess of that author-
 3 ized by statute, except in an emergency involving the safety of human
 4 life or the protection of property, shall be fined not more than \$5,000
 5 or imprisoned not more than two years, or both.

6 **“§ 1917. Unauthorized employment and disposition of lapsed ap-**
 7 **propriations**

8 “Whoever—

9 “(1) violates the provision of section 3103 of title 5 that an
 10 individual may be employed in the civil service in an Executive
 11 department at the seat of Government only for services actually
 12 rendered in connection with and for the purposes of the appro-
 13 priation from which he is paid; or

14 “(2) violates the provision of section 5501 of title 5 that money
 15 accruing from lapsed salaries or from unused appropriations for
 16 salaries shall be covered into the Treasury of the United States;
 17 shall be fined not more than \$1,000 or imprisoned not more than
 18 one year.

19 **“§ 1918. Interference with civil service examinations**

20 “Whoever, being a member or employee of the United States Civil
 21 Service Commission or an individual in the public service, willfully
 22 and corruptly—

23 “(1) defeats, deceives, or obstructs an individual in respect of
 24 his right of examination according to the rules prescribed by the
 25 President under title 5 for the administration of the competitive
 26 service and the regulations prescribed by the Commission under
 27 section 1302(a) of title 5;

28 “(2) falsely marks, grades, estimates, or reports on the exam-
 29 ination or proper standing of an individual examined;

30 “(3) makes a false representation concerning the mark, grade,
 31 estimate, or report on the examination or proper standing of an
 32 individual examined, or concerning the individual examined; or

33 “(4) furnishes to an individual any special or secret informa-
 34 tion for the purpose of improving or injuring the prospects or
 35 chances of an individual examined, or to be examined, being ap-
 36 pointed, employed, or promoted;

37 shall, for each offense, be fined not less than \$100 nor more than \$1,000
 38 or imprisoned not less than ten days nor more than one year, or both.

§ 1919. Disloyalty and asserting the right to strike against the Government

“Whoever violates the provision of section 7311 of title 5 that an individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he—

“(1) advocates the overthrow of our constitutional form of government;

“(2) is a member of an organization that he knows advocates the overthrow of our constitutional form of government;

“(3) participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia; or

“(4) is a member of an organization of employees of the Government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the Government of the United States or the government of the District of Columbia;

shall be fined not more than \$1,000 or imprisoned not more than one year and a day, or both.

§ 1920. False statement to obtain unemployment compensation for Federal service

“Whoever makes a false statement or representation of a material fact knowing it to be false, or knowingly fails to disclose a material fact, to obtain or increase for himself or for any other individual any payment authorized to be paid under chapter 85 of title 5 or under an agreement thereunder, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

§ 1921. False statement to obtain Federal employees’ compensation

“Whoever makes, in an affidavit or report required by section 8106 of title 5 or in a claim for compensation under subchapter I of chapter 81 of title 5, a statement, knowing it to be false, is guilty of perjury and shall be fined not more than \$2,000 or imprisoned not more than one year, or both.

§ 1922. Receiving Federal employees’ compensation after marriage

“Whoever, being entitled to compensation under sections 8107–8113 and 8133 of title 5 and whose compensation by the terms of those sections stops or is reduced on his marriage or on the marriage of his

1 dependent, accepts after such marriage any compensation or payment
 2 to which he is not entitled shall be fined not more than \$2,000 or im-
 3 prisoned not more than one year, or both.

4 **“§ 1923. False or withheld report concerning Federal employees’**
 5 **compensation**

6 “Whoever, being an officer or employee of the United States charged
 7 with the responsibility for making the reports of the immediate su-
 8 perior specified by section 8120 of title 5, willfully fails, neglects, or
 9 refuses to make any of the reports, or knowingly files a false report, or
 10 induces, compels, or directs an injured employee to forego filing of
 11 any claim for compensation or other benefits provided under sub-
 12 chapter I of chapter 81 of title 5 or any extension or application there-
 13 of, or willfully retains any notice, report, claim, or paper which is
 14 required to be filed under that subchapter or any extension or applica-
 15 tion thereof, or regulations prescribed thereunder, shall be fined not
 16 more than \$500 or imprisoned not more than one year, or both.

17 **“§ 1924. Fraudulent receipt of payments of missing persons**

18 “Whoever obtains or receives any money, check, or allotment under—

19 “(1) subchapter VII of chapter 55 of title 5; or

20 “(2) chapter 10 of title 37;

21 without being entitled thereto, with intent to defraud, shall be fined
 22 not more than \$2,000 or imprisoned not more than one year, or
 23 both.”

24 (e) The analysis of chapter 301 of title 18, United States Code, is
 25 amended by adding the following:

“4010. Acquisition of additional land.

“4011. Disposition of cash collections for meals, laundry, etc.”

26 (f) Chapter 301 of title 18, United States Code, is amended by
 27 adding the following new sections:

28 **“§ 4010. Acquisition of additional land**

29 “The Attorney General may, when authorized by law, acquire land
 30 adjacent to or in the vicinity of a Federal penal or correctional in-
 31 stitution if he considers the additional land essential to the protection
 32 of the health or safety of the inmates of the institution.

33 **“§ 4011. Disposition of cash collections for meals, laundry, etc.**

34 “Collections in cash for meals, laundry, barber service, uniform
 35 equipment, and other items for which payment is made originally from
 36 appropriations for the maintenance and operation of Federal penal
 37 and correctional institutions, may be deposited in the Treasury to the

1 credit of the appropriation currently available for those items when
2 the collection is made."

3 SEC. 4. (a) The analysis of title 28, United States Code, is amended
4 by striking out:

5 "II. UNITED STATES ATTORNEYS AND MARSHALS..... 501"

6 and inserting in place thereof:

7 "II. DEPARTMENT OF JUSTICE..... 501"

8 (b) Part II of the subanalysis of title 28, United States Code, is
9 amended to read as follows:

10 "PART II—DEPARTMENT OF JUSTICE

"31. THE ATTORNEY GENERAL.....	501
"33. FEDERAL BUREAU OF INVESTIGATION.....	531
"35. UNITED STATES ATTORNEYS.....	541
"37. UNITED STATES MARSHALS.....	561"

11 (c) Part II of title 28, United States Code, is amended to read as
12 follows:

13 "PART II—DEPARTMENT OF JUSTICE

"CHAPTER	Sec.
"31. THE ATTORNEY GENERAL.....	501
"33. FEDERAL BUREAU OF INVESTIGATION.....	531
"35. UNITED STATES ATTORNEYS.....	541
"37. UNITED STATES MARSHALS.....	561

14 "CHAPTER 31—THE ATTORNEY GENERAL

"Sec.	
"501. Executive department.	
"502. Seal.	
"503. Attorney General.	
"504. Deputy Attorney General.	
"505. Solicitor General.	
"506. Assistant Attorneys General.	
"507. Assistant Attorney General for Administration.	
"508. Vacancies.	
"509. Functions of the Attorney General.	
"510. Delegation of authority.	
"511. Attorney General to advise the President.	
"512. Attorney General to advise heads of executive departments.	
"513. Attorney General to advise Secretaries of military departments.	
"514. Legal services on pending claims in departments and agencies.	
"515. Authority for legal proceedings; commission, oath, and salary for special attorneys.	
"516. Conduct of litigation reserved to Department of Justice.	
"517. Interests of United States in pending suits.	
"518. Conduct and argument of cases.	
"519. Supervision of litigation.	
"520. Transmission of petitions in Court of Claims; statement furnished by departments.	
"521. Publication and distribution of opinions.	
"522. Report of business and statistics.	
"523. Requisitions.	
"524. Appropriations for administrative expenses; notarial fees; meals and lodging of bailiffs.	
"525. Procurement of law books, reference books, and periodicals; sale and exchange.	
"526. Authority of the Attorney General to investigate United States attorneys and marshals, clerks of court, and others.	

1 **“§ 501. Executive department**

2 “The Department of Justice is an executive department of the
3 United States at the seat of Government.

4 **“§ 502. Seal**

5 “The Attorney General shall have a seal for the Department of
6 Justice. The design of the seal is subject to the approval of the
7 President.

8 **“§ 503. Attorney General**

9 “The President shall appoint, by and with the advice and consent
10 of the Senate, an Attorney General of the United States. The At-
11 torney General is the head of the Department of Justice.

12 **“§ 504. Deputy Attorney General**

13 “The President may appoint, by and with the advice and consent
14 of the Senate, a Deputy Attorney General.

15 **“§ 505. Solicitor General**

16 “The President shall appoint, by and with the advice and consent of
17 the Senate, a Solicitor General in the Department of Justice to assist
18 the Attorney General in the performance of his duties.

19 **“§ 506. Assistant Attorneys General**

20 “The President shall appoint, by and with the advice and consent
21 of the Senate, nine Assistant Attorneys General, who shall assist the
22 Attorney General in the performance of his duties.

23 **“§ 507. Assistant Attorney General for Administration**

24 “(a) The Attorney General shall appoint, with the approval of
25 the President, an Assistant Attorney General for Administration,
26 who shall perform such duties as the Attorney General may prescribe.

27 “(b) The position of Assistant Attorney General for Administra-
28 tion is in the competitive service.

29 **“§ 508. Vacancies**

30 “(a) In case of a vacancy in the office of Attorney General, or of
31 his absence or disability, the Deputy Attorney General may exercise
32 all the duties of that office, and for the purpose of section 3345 of title
33 5 the Deputy Attorney General is the first assistant to the Attorney
34 General.

35 “(b) When, by reason of absence, disability, or vacancy in office,
36 neither the Attorney General nor the Deputy Attorney General is
37 available to exercise the duties of the office of Attorney General, the
38 Assistant Attorneys General and the Solicitor General, in such order
39 of succession as the Attorney General may from time to time prescribe,
40 shall act as Attorney General.

1 **“§ 509. Functions of the Attorney General**

2 “All functions of other officers of the Department of Justice and all
3 functions of agencies and employees of the Department of Justice are
4 vested in the Attorney General except the functions—

5 “(1) vested by subchapter II of chapter 5 of title 5 in hearing
6 examiners employed by the Department of Justice;

7 “(2) of the Federal Prison Industries, Inc.;

8 “(3) of the Board of Directors and officers of the Federal
9 Prison Industries, Inc.; and

10 “(4) of the Board of Parole.

11 **“§ 510. Delegation of authority**

12 “The Attorney General may from time to time make such provisions
13 as he considers appropriate authorizing the performance by any other
14 officer, employee, or agency of the Department of Justice of any
15 function of the Attorney General.

16 **“§ 511. Attorney General to advise the President**

17 “The Attorney General shall give his advice and opinion on ques-
18 tions of law when required by the President.

19 **“§ 512. Attorney General to advise heads of executive depart-
20 ments**

21 “The head of an executive department may require the opinion
22 of the Attorney General on questions of law arising in the adminis-
23 tration of his department.

24 **“§ 513. Attorney General to advise Secretaries of military depart-
25 ments**

26 “When a question of law arises in the administration of the Depart-
27 ment of the Army, the Department of the Navy, or the Department of
28 the Air Force, the cognizance of which is not given by statute to some
29 other officer from whom the Secretary of the military department
30 concerned may require advice, the Secretary of the military depart-
31 ment shall send it to the Attorney General for disposition.

32 **“§ 514. Legal services on pending claims in departments and agen-
33 cies**

34 “When the head of an executive department or agency is of the
35 opinion that the interests of the United States require the service of
36 counsel on the examination of any witness concerning any claim, or on
37 the legal investigation of any claim, pending in the department or
38 agency, he shall notify the Attorney General, giving all facts necessary
39 to enable him to furnish proper professional service in attending the
40 examination or making the investigation, and the Attorney General
41 shall provide for the service.

1 **“§ 515. Authority for legal proceedings; commission, oath, and**
 2 **salary for special attorneys**

3 “(a) The Attorney General or any other officer of the Department
 4 of Justice, or any attorney specially appointed by the Attorney Gen-
 5 eral under law, may, when specifically directed by the Attorney
 6 General, conduct any kind of legal proceeding, civil or criminal, in-
 7 cluding grand jury proceedings and proceedings before committing
 8 magistrates, which United States attorneys are authorized by law to
 9 conduct, whether or not he is a resident of the district in which the
 10 proceeding is brought.

11 “(b) Each attorney specially retained under authority of the De-
 12 partment of Justice shall be commissioned as special assistant to the
 13 Attorney General or special attorney, and shall take the oath required
 14 by law. Foreign counsel employed in special cases are not required to
 15 take the oath. The Attorney General shall fix the annual salary of
 16 a special assistant or special attorney at not more than \$12,000.

17 **“§ 516. Conduct of litigation reserved to Department of Justice**

18 “Except as otherwise authorized by law, the conduct of litiga-
 19 tion in which the United States, an agency, or officer thereof is a
 20 party, or is interested, and securing evidence therefor, is reserved to
 21 officers of the Department of Justice, under the direction of the At-
 22 torney General.

23 **“§ 517. Interests of United States in pending suits**

24 “The Solicitor General, or any officer of the Department of Justice,
 25 may be sent by the Attorney General to any State or district in the
 26 United States to attend to the interests of the United States in a suit
 27 pending in a court of the United States, or in a court of a State, or to
 28 attend to any other interest of the United States.

29 **“§ 518. Conduct and argument of cases**

30 “(a) Except when the Attorney General in a particular case directs
 31 otherwise, the Attorney General and the Solicitor General shall con-
 32 duct and argue suits and appeals in the Supreme Court and suits in
 33 the Court of Claims in which the United States is interested.

34 “(b) When the Attorney General considers it in the interests of the
 35 United States, he may personally conduct and argue any case in a
 36 court of the United States in which the United States is interested, or
 37 he may direct the Solicitor General or any officer of the Department of
 38 Justice to do so.

39 **“§ 519. Supervision of litigation**

40 “Except as otherwise authorized by law, the Attorney General
 41 shall supervise all litigation to which the United States, an agency,

1 or officer thereof is a party, and shall direct all United States attorneys,
2 assistant United States attorneys, and special attorneys appointed
3 under section 543 of this title in the discharge of their respective duties.

4 **“§ 520. Transmission of petitions in Court of Claims; statement**
5 **furnished by departments**

6 “(a) In suits against the United States in the Court of Claims
7 founded on a contract, agreement, or transaction with an executive de-
8 partment or military department, or a bureau, officer, or agent thereof,
9 or when the matter or thing on which the claim is based has been
10 passed on and decided by an executive department, military depart-
11 ment, bureau, or officer authorized to adjust it, the Attorney General
12 shall send to the department, bureau, or officer a printed copy of the
13 petition filed by the claimant, with a request that the department,
14 bureau, or officer furnish to the Attorney General all facts, circum-
15 stances, and evidence concerning the claim in the possession or knowl-
16 edge of the department, bureau, or officer.

17 “(b) Within a reasonable time after receipt of the request from the
18 Attorney General, the executive department, military department, bu-
19 reau, or officer shall furnish the Attorney General with a written state-
20 ment of all facts, information, and proofs. The statement shall con-
21 tain a reference to or description of all official documents and papers,
22 if any, as may furnish proof of facts referred to in it, or may be neces-
23 sary and proper for the defense of the United States against the claim,
24 mentioning the department, office, or place where the same is kept or
25 may be secured. If the claim has been passed on and decided by the
26 department, bureau, or officer, the statement shall briefly state the rea-
27 sons and principles on which the decision was based. When the deci-
28 sion was founded on an Act of Congress it shall be cited specifically,
29 and if any previous interpretation or construction has been given to
30 the Act, section, or clause by the department, bureau, or officer, it shall
31 be set forth briefly in the statement and a copy of the opinion filed,
32 if any, attached to it. When a decision in the case has been based
33 on a regulation of a department or when a regulation has, in the
34 opinion of the department, bureau, or officer sending the statement,
35 any bearing on the claim, it shall be distinctly quoted at length in
36 the statement. When more than one case or class of cases is pending,
37 the defense of which rests on the same facts, circumstances, and proofs,
38 the department, bureau, or officer may certify and send one statement
39 and it shall be held to apply to all cases as if made out, certified, and
40 sent in each case respectively.

1 **“§ 521. Publication and distribution of opinions**

2 “The Attorney General, from time to time—

3 “(1) shall cause to be edited, and printed in the Government
4 Printing Office, such of his opinions as he considers valuable for
5 preservation in volumes; and

6 “(2) may prescribe the manner for the distribution of the
7 volumes.

8 Each volume shall contain headnotes, an index, and such footnotes as
9 the Attorney General may approve.

10 **“§ 522. Report of business and statistics**

11 “The Attorney General, at the beginning of each regular session
12 of Congress, shall report to Congress on the business of the Depart-
13 ment of Justice for the last preceding fiscal year, and on any other
14 matters pertaining to the Department that he considers proper,
15 including—

16 “(1) a statement of the several appropriations which are placed
17 under the control of the Department and the amount appro-
18 priated;

19 “(2) the statistics of crime under the laws of the United
20 States; and

21 “(3) a statement of the number of causes involving the United
22 States, civil and criminal, pending during the preceding year in
23 each of the several courts of the United States.

24 **“§ 523. Requisitions**

25 “The Attorney General shall sign all requisitions for the advance
26 or payment of moneys appropriated for the Department of Justice,
27 out of the Treasury, subject to the same control as is exercised on like
28 estimates or accounts by the General Accounting Office.

29 **“§ 524. Appropriations for administrative expenses; notarial fees;
30 meals and lodging of bailiffs**

31 “Appropriations for the Department of Justice are available for
32 payment of—

33 “(1) notarial fees, including such additional stenographic serv-
34 ices as are required in connection therewith in the taking of deposi-
35 tions, and compensation and expenses of witnesses and inform-
36 ants, all at the rates authorized or approved by the Attorney
37 General or the Assistant Attorney General for Administration;
38 and

39 “(2) when ordered by the court, actual expenses of meals and
40 lodging for marshals, deputy marshals, or criers when acting as
41 bailiffs in attendance on juries.

§ 525. Procurement of law books, reference books, and periodicals; sale and exchange

"In the procurement of law books, reference books, and periodicals, the Attorney General may exchange or sell similar items and apply the exchange allowances or proceeds of such sales in whole or in part payment therefor.

§ 526. Authority of Attorney General to investigate United States attorneys and marshals, clerks of court, and others

"(a) The Attorney General may investigate the official acts, records, and accounts of—

"(1) the United States attorneys and marshals; and

"(2) at the request and on behalf of the Director of the Administrative Office of the United States Courts, the clerks of the United States courts and of the district courts of the Canal Zone and the Virgin Islands, probation officers, referees, trustees and receivers in bankruptcy, United States commissioners, and court reporters;

for which purpose all the official papers, records, dockets, and accounts of these officers, without exception, may be examined by agents of the Attorney General at any time.

"(b) Appropriations for the examination of judicial officers are available for carrying out this section.

CHAPTER 33—FEDERAL BUREAU OF INVESTIGATION

"Sec.

"531. Federal Bureau of Investigation.

"532. Director of Federal Bureau of Investigation.

"533. Investigative and other officials; appointment.

"534. Acquisition, preservation, and exchange of identification records; appointment of officials.

"535. Investigation of crimes involving Government officers and employees; limitations.

"536. Positions in excepted service.

"537. Membership in International Criminal Police Organization; expenses of unforeseen emergencies of a confidential nature.

§ 531. Federal Bureau of Investigation

"The Federal Bureau of Investigation is in the Department of Justice.

§ 532. Director of the Federal Bureau of Investigation

"The Attorney General may appoint a Director of the Federal Bureau of Investigation. The Director of the Federal Bureau of Investigation is the head of the Federal Bureau of Investigation.

§ 533. Investigative and other officials; appointment

"The Attorney General may appoint officials—

"(1) to detect and prosecute crimes against the United States;

1 “(2) to assist in the protection of the person of the President;
2 and

3 “(3) to conduct such other investigations regarding official
4 matters under the control of the Department of Justice and the
5 Department of State as may be directed by the Attorney General.
6 This section does not limit the authority of departments and agencies
7 to investigate crimes against the United States when investigative
8 jurisdiction has been assigned by law to such departments and
9 agencies.

10 **“§ 534. Acquisition, preservation, and exchange of identification**
11 **records; appointment of officials**

12 “(a) The Attorney General shall—

13 “(1) acquire, collect, classify, and preserve identification,
14 criminal identification, crime, and other records; and

15 “(2) exchange these records with, and for the official use of,
16 authorized officials of the Federal Government, the States, cities,
17 and penal and other institutions.

18 “(b) The exchange of records authorized by subsection (a) (2) of
19 this section is subject to cancellation if dissemination is made outside
20 the receiving departments or related agencies.

21 “(c) The Attorney General may appoint officials to perform the
22 functions authorized by this section.

23 **“§ 535. Investigation of crimes involving Government officers and**
24 **employees; limitations**

25 “(a) The Attorney General and the Federal Bureau of Investiga-
26 tion may investigate any violation of title 18 involving Government
27 officers and employees—

28 “(1) notwithstanding any other provision of law; and

29 “(2) without limiting the authority to investigate any matter
30 which is conferred on them or on a department or agency of the
31 Government.

32 “(b) Any information, allegation, or complaint received in a
33 department or agency of the executive branch of the Government
34 relating to violations of title 18 involving Government officers and
35 employees shall be expeditiously reported to the Attorney General by
36 the head of the department or agency, unless—

37 “(1) the responsibility to perform an investigation with re-
38 spect thereto is specifically assigned otherwise by another pro-
39 vision of law; or

“(2) as to any department or agency of the Government, the Attorney General directs otherwise with respect to a specified class of information, allegation, or complaint.

“(c) This section does not limit—

“(1) the authority of the military departments to investigate persons or offenses over which the armed forces have jurisdiction under the Uniform Code of Military Justice (chapter 47 of title 10); or

“(2) the primary authority of the Postmaster General to investigate postal offenses.

“§ 536. Positions in excepted service

“All positions in the Federal Bureau of Investigation are excepted from the competitive service, and the incumbents of such positions occupy positions in the excepted service.

“§ 537. Membership in International Criminal Police Organization; expenses of unforeseen emergencies of a confidential character

“Appropriations for the Federal Bureau of Investigation are available for—

“(1) expenses of membership in the International Criminal Police Organization; and

“(2) expenses of unforeseen emergencies of a confidential character, when so specified in the appropriation concerned, to be spent under the direction of the Attorney General, who shall certify the amount spent that he considers advisable not to specify, and his certification is a sufficient voucher for the amount therein expressed to have been spent.

“CHAPTER 35—UNITED STATES ATTORNEYS

“Sec.

“541. United States attorneys.

“542. Assistant United States attorneys.

“543. Special attorneys.

“544. Oath of office.

“545. Residence.

“546. Vacancies.

“547. Duties.

“548. Salaries.

“549. Expenses.

“550. Clerical assistants and messengers.

“§ 541. United States attorneys

“(a) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney for each judicial district.

“(b) Each United States attorney shall be appointed for a term of four years. On the expiration of his term, a United States attorney

1 shall continue to perform the duties of his office until his successor is
2 appointed and qualifies.

3 “(c) Each United States attorney is subject to removal by the
4 President.

5 **“§ 542. Assistant United States attorneys**

6 “(a) The Attorney General may appoint one or more assistant
7 United States attorneys in any district when the public interest so
8 requires.

9 “(b) Each assistant United States attorney is subject to removal by
10 the Attorney General.

11 **“§ 543. Special attorneys**

12 “(a) The Attorney General may appoint attorneys to assist United
13 States attorneys when the public interest so requires.

14 “(b) Each attorney appointed under this section is subject to re-
15 moval by the Attorney General.

16 **“§ 544. Oath of office**

17 “Each United States attorney, assistant United States attorney, and
18 attorney appointed under section 543 of this title, before taking office,
19 shall take an oath to execute faithfully his duties.

20 **“§ 545. Residence**

21 “(a) Each United States attorney and assistant United States
22 attorney shall reside in the district for which he is appointed, except
23 that these officers of the District of Columbia and the Southern Dis-
24 trict of New York may reside within 20 miles thereof.

25 “(b) The Attorney General may determine the official stations of
26 United States attorneys and assistant United States attorneys within
27 the districts for which they are appointed.

28 **“§ 546. Vacancies**

29 “The district court for a district in which the office of United States
30 attorney is vacant may appoint a United States attorney to serve until
31 the vacancy is filled. The order of appointment by the court shall be
32 filed with the clerk of the court.

33 **“§ 547. Duties**

34 “Except as otherwise provided by law, each United States attorney,
35 within his district, shall—

36 “(1) prosecute for all offenses against the United States;

37 “(2) prosecute or defend, for the Government, all civil actions,
38 suits or proceedings in which the United States is concerned;

39 “(3) appear in behalf of the defendants in all civil actions,
40 suits or proceedings pending in his district against collectors, or
41 other officers of the revenue or customs for any act done by them

or for the recovery of any money exacted by or paid to these officers, and by them paid into the Treasury;

“(4) institute and prosecute proceedings for the collection of fines, penalties, and forfeitures incurred for violation of any revenue law, unless satisfied on investigation that justice does not require the proceedings; and

“(5) make such reports as the Attorney General may direct.

“§ 548. Salaries

“Subject to section 5317 of title 5, the Attorney General shall fix the annual salaries of United States attorneys, assistant United States attorneys, and attorneys appointed under section 543 of this title at rates of compensation not in excess of the highest rate of GS-18 of the General Schedule set forth in section 5332 of title 5.

“§ 549. Expenses

“Necessary office expenses of United States attorneys shall be allowed when authorized by the Attorney General.

“§ 550. Clerical assistants and messengers

“The United States attorneys may employ clerical assistants and messengers on approval of the Attorney General.

“CHAPTER 37—UNITED STATES MARSHALS

“Sec.

“561. United States marshals.

“562. Deputy marshals and clerical assistants.

“563. Oath of office.

“564. Bond.

“565. Vacancies.

“566. Death of a marshal.

“567. Expenses of marshals.

“568. Availability of appropriations; transfer of prisoners to narcotic farms.

“569. Powers and duties generally; supervision by Attorney General.

“570. Power as sheriff.

“571. Disbursement of salaries and moneys.

“572. Collection of fees; accounting.

“573. Delivery of prisoners to successor.

“574. Delivery of unserved process to successor.

“575. Practice of law prohibited.

“§ 561. United States marshals

“(a) The President shall appoint, by and with the advice and consent of the Senate, a United States marshal for each judicial district.

“(b) Each marshal shall be appointed for a term of four years. On expiration of his term, a marshal shall continue to perform the duties of his office until his successor is appointed and qualifies, unless sooner removed by the President.

“(c) The Attorney General shall designate places within the district for the official station and offices of each marshal. Each marshal shall reside within the district for which he was appointed, except that the

1 marshal for the District of Columbia and the Southern District of
2 New York may reside within 20 miles thereof.

3 **“§ 562. Deputy marshals and clerical assistants**

4 “The Attorney General may authorize a United States marshal to
5 appoint deputies and clerical assistants. Each deputy marshal is sub-
6 ject to removal by the marshal pursuant to civil-service regulations.

7 **“§ 563. Oath of office**

8 “Each United States marshal and deputy marshal before assuming
9 the duties of his office shall take the following oath or affirmation:

10 “‘I, _____, do solemnly swear (or affirm) that
11 I will faithfully execute all lawful precepts directed to the
12 _____ under the authority of the United States, make
13 true returns, take only lawful fees, and in all things well and truly,
14 and without malice or partiality, perform the duties of the office of
15 _____ during my continuance in office. So help me
16 God’.

17 **“§ 564. Bond**

18 “(a) Each United States marshal, including a marshal appointed
19 to serve during a vacancy, shall be bonded in the sum of \$20,000 for
20 the faithful performance of duty by himself and his deputies during
21 his continuance in office and by his deputies after his death until his
22 successor is appointed and qualifies.

23 “(b) The Attorney General may require the United States marshal
24 for the Southern District of New York to be bonded in a sum not
25 exceeding \$75,000 and any other United States marshal to be bonded
26 in a sum not exceeding \$40,000.

27 “(c) A person injured by a breach of a United States marshal’s
28 bond may sue thereon, in his own name, to recover his damages. Such
29 an action shall be commenced within six years after the right accrues,
30 but a person under legal disability may sue within three years after
31 the removal of his disability. After judgment, the marshal’s bond
32 shall remain as security until the whole penalty has been recovered.

33 **“§ 565. Vacancies**

34 “The district court for a district in which the office of United States
35 marshal is vacant may appoint a United States marshal to serve until
36 the vacancy is filled. The order of appointment by the court shall be
37 filed with the clerk of the court.

38 **“§ 566. Death of a marshal**

39 “(a) On the death of a United States marshal, his deputy or
40 deputies shall perform the duties of the deceased marshal in his name
41 until his successor is appointed and qualifies.

“(b) The default or misfeasance of a deputy is a breach of the deceased marshal’s bond, and his executor or administrator has like remedies against the deputy for the default or misfeasance as the marshal would have had if he had continued in office.

“§ 567. Expenses of marshals

“Under regulations prescribed by the Attorney General, each United States marshal shall be allowed—

“(1) his actual and necessary office expenses;

“(2) the expense of transporting prisoners, including the cost of necessary guards and the travel and subsistence expense of prisoners and guards; and

“(3) other necessary expenditures in line of duty, approved by the Attorney General.

“§ 568. Availability of appropriations; transfer of prisoners to narcotic farms

“Appropriations for salaries and expenses of United States marshals are available for actual and necessary expenses incident to the transfer of prisoners in the custody of the marshals to narcotic farms.

“§ 569. Powers and duties generally; supervision by Attorney General

“(a) The United States marshal of each district is the marshal of the district court and of the court of appeals when sitting in his district, and of the Customs Court holding sessions in his district elsewhere than in the Southern and Eastern Districts of New York, and may, in the discretion of the respective courts, be required to attend any session of court.

“(b) United States marshals shall execute all lawful writs, process and orders issued under authority of the United States, including those of the courts and Government of the Canal Zone, and command all necessary assistance to execute their duties.

“(c) The Attorney General shall supervise and direct United States marshals in the performance of public duties and accounting for public moneys. Each marshal shall report his official proceedings, receipts and disbursements and the condition of his office as the Attorney General directs.

“§ 570. Power as sheriff

“A United States marshal and his deputies, in executing the laws of the United States within a State, may exercise the same powers which a sheriff of the State may exercise in executing the laws thereof.

1 “§ 571. Disbursement of salaries and moneys

2 “(a) The United States marshals, under regulations prescribed by
3 the Attorney General, shall pay the salaries, office expenses and travel
4 and per diem allowances of United States attorneys, their assistants,
5 clerks and messengers, and of the marshals, their deputies and clerical
6 assistants.

7 “(b) The United States marshals, under regulations prescribed by
8 the Director of the Administrative Office of the United States Courts,
9 shall pay the salaries, office expenses, and travel and per diem allow-
10 ances of circuit and district judges, clerks of court and their deputies,
11 court reporters, and other personnel of courts within their districts.

12 “(c) On all disbursements made by United States marshals for
13 official salaries or expenses, the certificate of the payee is sufficient
14 without verification on oath.

15 **“§ 572. Collection of fees; accounting**

16 “(a) Each United States marshal shall collect, as far as possible,
17 his lawful fees and account for the same as public moneys.

18 “(b) The marshal’s accounts of fees and costs paid to a witness or
19 juror on certificate of attendance issued as provided by sections 1825
20 and 1871 of this title may not be reexamined to charge him for an
21 erroneous payment of the fees or costs.

22 **“§ 573. Delivery of prisoners to successor**

23 "Each United States marshal shall deliver to his successor all
24 prisoners in his custody.

25 **“§ 574. Delivery of unserved process to successor**

26 "All unserved process remaining in the hands of a United States
27 marshal or his deputies shall be delivered to his successor. When a
28 deputy marshal resigns or is removed, he shall deliver to the marshal
29 all process in his hands.

30 "§ 575. Practice of law prohibited

31 "A United States marshal or deputy marshal may not practice law
32 in any court of the United States."

33 (d) The analysis of part VI of title 28, United States Code, is
34 amended by inserting after item 157:

"158. Orders of Federal Agencies; Review_____ 2341".

(e) Part VI of title 28, United States Code, is amended by inserting after chapter 157:

37 "CHAPTER 158—ORDERS OF FEDERAL AGENCIES;
38 REVIEW

"Sec.

"2341. Definitions.

"2342. Jurisdiction of court of appeals.

"2343. Venue.

"Sec.

"2344. Review of orders; time; notice; contents of petitions; service.

"2345. Prehearing conference.

"2346. Certification of record on review.

"2347. Petitions to review; proceedings.

"2348. Representation in proceeding; intervention.

"2349. Jurisdiction of the proceeding.

"2350. Review in Supreme Court on certiorari or certification.

"2351. Enforcement of orders by district courts.

"2352. Rules.

1 "§ 2341. Definitions

2 "As used in this chapter—

3 "(1) 'clerk' means the clerk of the court in which the petition
4 for the review of an order, reviewable under this chapter, is filed;

5 "(2) 'petitioner' means the party or parties by whom a petition
6 to review an order, reviewable under this chapter, is filed; and

7 "(3) 'agency' means—

8 "(A) the Commission, when the order sought to be re-
9 viewed was entered by the Federal Communications Commis-
10 sion, the Federal Maritime Commission, or the Atomic Energy
11 Commission, as the case may be;

12 "(B) the Secretary, when the order was entered by the
13 Secretary of Agriculture; and

14 "(C) the Administration, when the order was entered by
15 the Maritime Administration.

16 "§ 2342. Jurisdiction of court of appeals

17 "The court of appeals has exclusive jurisdiction to enjoin, set aside,
18 suspend (in whole or in part), or to determine the validity of—

19 "(1) all final orders of the Federal Communications Commis-
20 sion made reviewable by section 402(a) of title 47;

21 "(2) all final orders of the Secretary of Agriculture made under
22 chapters 9 and 20A of title 7, except orders issued under sections
23 210(e), 217(a), and 499g(a) of title 7;

24 "(3) such final orders of the Federal Maritime Commission or
25 the Maritime Administration entered under chapters 23 and 23A
26 of title 46 as are subject to judicial review under section 830 of
27 title 46; and

28 "(4) all final orders of the Atomic Energy Commission made
29 reviewable by section 2239 of title 42.

30 Jurisdiction is invoked by filing a petition as provided by section 2344
31 of this title.

32 "§ 2343. Venue

33 "The venue of a proceeding under this chapter is in the judicial cir-
34 cuit in which the petitioner resides or has its principal office, or in the
35 United States Court of Appeals for the District of Columbia Circuit.

1 **“§ 2344. Review of orders; time; notice; contents of petition;**
 2 **service**

3 “On the entry of a final order reviewable under this chapter, the
 4 agency shall promptly give notice thereof by service or publication in
 5 accordance with its rules. Any party aggrieved by the final order
 6 may, within 60 days after its entry, file a petition to review the order
 7 in the court of appeals wherein venue lies. The action shall be against
 8 the United States. The petition shall contain a concise statement of—

9 “(1) the nature of the proceedings as to which review is sought;

10 “(2) the facts on which venue is based;

11 “(3) the grounds on which relief is sought; and

12 “(4) the relief prayed.

13 The petitioner shall attach to the petition, as exhibits, copies of the
 14 order, report, or decision of the agency. The clerk shall serve a true
 15 copy of the petition on the agency and on the Attorney General by
 16 registered mail, with request for a return receipt.

17 **“§ 2345. Prehearing conference**

18 “The court of appeals may hold a prehearing conference or direct
 19 a judge of the court to hold a prehearing conference.

20 **“§ 2346. Certification of record on review**

21 “Unless the proceeding has been terminated on a motion to dismiss
 22 the petition, the agency shall file in the office of the clerk the record on
 23 review as provided by section 2112 of this title.

24 **“§ 2347. Petitions to review; proceedings**

25 “(a) Unless determined on a motion to dismiss, petitions to review
 26 orders reviewable under this chapter are heard in the court of appeals
 27 on the record of the pleadings, evidence adduced, and proceedings be-
 28 fore the agency, when the agency has held a hearing whether or not
 29 required to do so by law.

30 “(b) When the agency has not held a hearing before taking the ac-
 31 tion of which review is sought by the petition, the court of appeals shall
 32 determine whether a hearing is required by law. After that determi-
 33 nation, the court shall—

34 “(1) remand the proceedings to the agency to hold a hearing,
 35 when a hearing is required by law;

36 “(2) pass on the issues presented, when a hearing is not re-
 37 quired by law and it appears from the pleadings and affidavits
 38 filed by the parties that no genuine issue of material fact is pre-
 39 sented; or

40 “(3) transfer the proceedings to a district court for the dis-
 41 trict in which the petitioner resides or has its principal office for

a hearing and determination as if the proceedings were originally initiated in the district court, when a hearing is not required by law and a genuine issue of material fact is presented. The procedure in these cases in the district court is governed by the Federal Rules of Civil Procedure.

“(c) If a party to a proceeding to review applies to the court of appeals in which the proceeding is pending for leave to adduce additional evidence and shows to the satisfaction of the court that—

“(1) the additional evidence is material; and

“(2) there were reasonable grounds for failure to adduce the evidence before the agency;

the court may order the additional evidence and any counterevidence the opposite party desires to offer to be taken by the agency. The agency may modify its findings of fact, or make new findings, by reason of the additional evidence so taken, and may modify or set aside its order, and shall file in the court the additional evidence, the modified findings or new findings, and the modified order or the order setting aside the original order.

“§ 2348. Representation in proceeding; intervention

“The Attorney General is responsible for and has control of the interests of the Government in all court proceedings under this chapter. The agency, and any party in interest in the proceeding before the agency whose interests will be affected if an order of the agency is or is not enjoined, set aside, or suspended, may appear as parties thereto of their own motion and as of right, and be represented by counsel in any proceeding to review the order. Communities, associations, corporations, firms, and individuals, whose interests are affected by the order of the agency, may intervene in any proceeding to review the order. The Attorney General may not dispose of or discontinue the proceeding to review over the objection of any party or intervenor, but any intervenor may prosecute, defend, or continue the proceeding unaffected by the action or inaction of the Attorney General.

“§ 2349. Jurisdiction of the proceeding

“(a) The court of appeals has jurisdiction of the proceeding on the filing and service of a petition to review. The court of appeals in which the record on review is filed, on the filing, has jurisdiction to vacate stay orders or interlocutory injunctions previously granted by any court, and has exclusive jurisdiction to make and enter, on the petition, evidence, and proceedings set forth in the record on review, a judgment determining the validity of, and enjoining, setting aside, or suspending, in whole or in part, the order of the agency.

1 “(b) The filing of the petition to review does not of itself stay or
2 suspend the operation of the order of the agency, but the court of
3 appeals in its discretion may restrain or suspend, in whole or in part,
4 the operation of the order pending the final hearing and determination
5 of the petition. When the petitioner makes application for an inter-
6 locutory injunction restraining or suspending the enforcement, opera-
7 tion, or execution of, or setting aside, in whole or in part, any order
8 reviewable under this chapter, at least 5 days’ notice of the hearing
9 thereon shall be given to the agency and to the Attorney General. In
10 a case in which irreparable damage would otherwise result to the pe-
11 titioner, the court of appeals may, on hearing, after reasonable notice
12 to the agency and to the Attorney General, order a temporary stay or
13 suspension, in whole or in part, of the operation of the order of the
14 agency for not more than 60 days from the date of the order pending
15 the hearing on the application for the interlocutory injunction, in
16 which case the order of the court of appeals shall contain a specific
17 finding, based on evidence submitted to the court of appeals, and identi-
18 fied by reference thereto, that irreparable damage would result to the
19 petitioner and specifying the nature of the damage. The court of
20 appeals, at the time of hearing the application for an interlocutory
21 injunction, on a like finding, may continue the temporary stay or
22 suspension, in whole or in part, until decision on the application. The
23 hearing on an application for an interlocutory injunction shall be
24 given preference and expedited and shall be heard at the earliest prac-
25 ticable date after the expiration of the notice of hearing on the appli-
26 cation. On the final hearing of any proceeding to review any order
27 under this chapter, the same requirements as to precedence and expe-
28 dition apply.

29 **“§ 2350. Review in Supreme Court on certiorari or certification**

30 “(a) An order granting or denying an interlocutory injunction
31 under section 2349(b) of this title and a final judgment of the court
32 of appeals in a proceeding to review under this chapter are subject to
33 review by the Supreme Court on a writ of certiorari as provided by
34 section 1254(1) of this title. Application for the writ shall be made
35 within 45 days after entry of the order and within 90 days after entry
36 of the judgment, as the case may be. The United States, the agency,
37 or an aggrieved party may file a petition for a writ of certiorari.

38 “(b) The provisions of section 1254(3) of this title, regarding
39 certification, and of section 2101(e) of this title, regarding stays, also
40 apply to proceedings under this chapter.

1 **“§ 2351. Enforcement of orders by district courts**

2 “The several district courts have jurisdiction specifically to enforce,
3 and to enjoin and restrain any person from violating any order issued
4 under section 193 of title 7.

5 **“§ 2352. Rules**

6 “The several courts of appeals shall adopt and promulgate rules,
7 subject to the approval of the Judicial Conference of the United
8 States, governing the practice and procedure, including prehearing
9 conference procedure, in proceedings to review orders under this
10 chapter.”

11 SEC. 5. (a) The chapter analysis of title 37, United States Code, is
12 amended by inserting after item 9:

“10. PAYMENTS TO MISSING PERSONS----- 551”.

13 (b) Title 37, United States Code, is amended by inserting after
14 chapter 9:

15 **“CHAPTER 10.—PAYMENTS TO MISSING PERSONS**

“Sec.

“551. Definitions.

“552. Pay and allowances; continuance while in a missing status; limitations.

“553. Allotments; continuance, suspension, initiation, resumption, or increase
while in a missing status; limitations.

“554. Travel and transportation; dependents; household and personal effects;
motor vehicles; sale of bulky items; claims for proceeds; appropriation
chargeable.

“555. Secretarial review.

“556. Secretarial determinations.

“557. Settlement of accounts.

“558. Income tax deferment.

16 **“§ 551. Definitions**

17 “In this chapter—

18 “(1) ‘dependent’, with respect to a member of a uniformed serv-
19 ice, means—

20 “(A) his wife;

21 “(B) his unmarried child (including an unmarried de-
22 pendent stepchild or adopted child) under 21 years of age;

23 “(C) his dependent mother or father;

24 “(D) a dependent designated in official records; and

25 “(E) a person determined to be dependent by the Secre-
26 tary concerned, or his designee;

27 “(2) ‘missing status’ means the status of a member of a uni-
28 formed service who is officially carried or determined to be absent
29 in a status of—

30 “(A) missing;

31 “(B) missing in action;

32 “(C) interned in a foreign country;

1 “(D) captured, beleaguered, or besieged by a hostile force;
2 or

3 “(E) detained in a foreign country against his will; and

4 “(3) ‘pay and allowances’ means—

5 “(A) basic pay;

6 “(B) special pay;

7 “(C) incentive pay;

8 “(D) basic allowance for quarters;

9 “(E) basic allowance for subsistence; and

10 “(F) station per diem allowances for not more than 90
11 days.

12 **“§ 552. Pay and allowances; continuance while in a missing**
13 **status; limitations**

14 “(a) A member of a uniformed service who is on active duty or per-
15 forming inactive-duty training, and who is in a missing status, is, for
16 the period he is in that status, entitled to receive or have credited to
17 his account the same pay and allowances, as defined in this chapter, to
18 which he was entitled at the beginning of that period or may there-
19 after become entitled. However, a member who is performing full-
20 time training duty or other full-time duty without pay, or inactive-
21 duty training with or without pay, is entitled to the pay and allow-
22 ances to which he would have been entitled if he had been on active
23 duty with pay.

24 “(b) The expiration of a member’s term of service while he is in a
25 missing status does not end his entitlement to pay and allowances un-
26 der subsection (a) of this section. Notwithstanding the death of a
27 member while in a missing status, entitlement to pay and allowances
28 under subsection (a) of this section ends on the date—

29 “(1) the Secretary concerned receives evidence that the mem-
30 ber is dead; or

31 “(2) that his death is prescribed or determined under section
32 555 of this title.

33 “(c) A member is not entitled to pay and allowances under subsec-
34 tion (a) of this section for a period during which he is officially deter-
35 mined to be absent from his post of duty without authority, and he is
36 indebted to the United States for payments from amounts credited to
37 his account for that period.

38 “(d) A member who is performing full-time training duty or
39 inactive-duty training is entitled to the benefits of this section only

1 when he is officially determined to be in a missing status that results
2 from the performance of duties prescribed by competent authority.

3 “(e) A member in a missing status who is continued in that status
4 under section 555 of this title is entitled to be credited with pay and
5 allowances under subsection (a) of this section.

6 **“§ 553. Allotments; continuance, suspension, initiation, resump-**
7 **tion, or increase while in a missing status; limitations**

8 “(a) Notwithstanding the end of the period for which it was made,
9 an allotment, including one for the purchase of United States savings
10 bonds, made by a member of a uniformed service before he was in a
11 missing status may be continued for the period he is entitled to pay
12 and allowances under section 552 of this title.

13 “(b) When there is no allotment in effect, or when it is insufficient
14 for a purpose authorized by the Secretary concerned, he, or his
15 designee, may authorize new allotments or increases in allotments that
16 are warranted by the circumstances and payable for the period the
17 member is entitled to pay and allowances under section 552 of this title.

18 “(c) The total of all allotments from the pay and allowances of a
19 member in a missing status may not be more than the amount of pay
20 and allowances he is permitted to allot under regulations prescribed
21 by the Secretary concerned.

22 “(d) A premium paid by the United States on insurance issued on
23 the life of a member which is unearned because it covers a period after
24 his death reverts to the appropriation of the department concerned.

25 “(e) Subject to subsections (f) and (g) of this section, the Secre-
26 tary concerned, or his designee, may, when he considers it in the
27 interest of the member, his dependents, or the United States, direct the
28 initiation, continuance, discontinuance, increase, decrease, suspension,
29 or resumption of payments of allotments from the pay and allowances
30 of a member entitled to pay and allowances under section 552 of this
31 title.

32 “(f) When the Secretary concerned officially reports that a mem-
33 ber in a missing status is alive, the payments of allotments authorized
34 by subsections (a)–(d) of this section may, subject to section 552 of
35 this title, be made until the date the Secretary concerned receives evi-
36 dence that the member is dead or has returned to the controllable juris-
37 diction of the department concerned.

38 “(g) A member in a missing status who is continued in that status
39 under section 555 of this title is entitled to have the payments of allot-

1 ments authorized by subsections (a)–(d) of this section continued, in-
2 creased, or initiated.

3 “(h) When the Secretary concerned considers it essential for the
4 well-being and protection of the dependents of a member on active
5 duty (other than a member entitled to pay and allowances under sec-
6 tion 552 of this title), he may, with or without the consent, and sub-
7 ject to termination at the request, of the member—

8 “(1) direct the payment of a new allotment from the pay of
9 the member;

10 “(2) increase or decrease the amount of an allotment made by
11 the member; and

12 “(3) continue payment of an allotment of the member which has
13 expired.

14 **“§ 554. Travel and transportation; dependents; household and**
15 **personal effects; motor vehicles; sale of bulky items;**
16 **claims for proceeds; appropriation chargeable**

17 “(a) In this section, ‘household and personal effects’ and ‘household
18 effects’ may include, in addition to other authorized weight allowances,
19 one privately owned motor vehicle which may be shipped at United
20 States expense when it is located outside the United States, or in
21 Alaska or Hawaii.

22 “(b) Transportation (including packing, crating, drayage, tempo-
23 rary storage, and unpacking of household and personal effects) may
24 be provided for the dependents and household and personal effects of
25 a member of a uniformed service on active duty (without regard to
26 pay grade) who is officially reported as dead, injured, or absent for a
27 period of more than 29 days in a missing status—

28 “(1) to the member’s official residence of record;

29 “(2) to the residence of his dependent, next of kin, or other
30 person entitled to custody of the effects, under regulations pre-
31 scribed by the Secretary concerned; or

32 “(3) on request of the member (if injured), or his dependent,
33 next of kin, or other person described in clause (2), to another
34 location determined in advance or later approved by the Secre-
35 tary concerned, or his designee.

36 “(c) When a member described in subsection (b) of this section is
37 in an injured status, transportation of dependents and household and
38 personal effects authorized by this section may be provided only when
39 prolonged hospitalization or treatment is anticipated.

1 “(d) Transportation requested by a dependent may be authorized
2 under this section only if there is a reasonable relationship between
3 the circumstances of the dependent and the requested destination.

4 “(e) In place of the transportation for dependents authorized by
5 this section, and after the travel is completed, the Secretary concerned
6 may authorize—

7 “(1) reimbursement for the commercial cost of the transpor-
8 tation; or

9 “(2) a monetary allowance at the prescribed rate for all, or
10 that part, of the travel for which transportation in kind is not
11 furnished.

12 “(f) The Secretary concerned may store the household and personal
13 effects of a member described in subsection (b) of this section until
14 proper disposition can be made. The cost of the storage and trans-
15 portation (including packing, crating, drayage, temporary storage,
16 and unpacking) of household and personal effects shall be charged
17 against appropriations currently available.

18 “(g) The Secretary concerned may, when he determines that there
19 is an emergency and a sale would be in the best interests of the United
20 States, provide for the public or private sale of motor vehicles and
21 other bulky items of household and personal effects of a member de-
22 scribed in subsection (b) of this section. Before a sale, and if prac-
23 ticable, a reasonable effort shall be made to determine the desires of
24 the interested persons. The net proceeds received from the sale shall,
25 under regulations prescribed by the Secretary concerned, be sent to
26 the owner or other persons. If there are no such persons, or if they
27 or their addresses are not known within one year from the date of
28 sale, the net proceeds may be covered into the Treasury as miscel-
29 laneous receipts.

30 “(h) Claims for net proceeds that are covered into the Treasury
31 under subsection (g) of this section may be filed with the General Ac-
32 counting Office by the rightful owners, their heirs or next of kin, or
33 their legal representatives at any time before the end of a 5-year period
34 from the date the proceeds are covered into the Treasury. When a
35 claim is filed, the General Accounting Office shall allow or disallow it.
36 A claim that is allowed shall be paid from the appropriation for
37 refunding money erroneously received and covered. If a claim is not
38 filed before the end of the 5-year period from the date the proceeds
39 are covered into the Treasury, it is barred from being acted on by the
40 courts or the General Accounting Office.

1 “(i) This section does not amend or repeal—

2 “(1) section 2575, 2733, 4712, 4713, 6522, 9712, or 9713 of title 10;

3 “(2) section 507 of title 14; or

4 “(3) chapter 171 of title 28.

5 **“§ 555. Secretarial review**

6 “(a) When a member of a uniformed service entitled to pay and
7 allowances under section 552 of this title has been in a missing status,
8 and the official report of his death or of the circumstances of his absence
9 has not been received by the Secretary concerned, he shall, before the
10 end of a 12-month period in that status, have the case fully reviewed.
11 After that review and the end of the 12-month period in a missing
12 status, or after a later review which shall be made when warranted by
13 information received or other circumstances, the Secretary concerned,
14 or his designee, may—

15 “(1) if the member can reasonably be presumed to be living,
16 direct a continuance of his missing status; or

17 “(2) make a finding of death.

18 “(b) When a finding of death is made under subsection (a) of this
19 section, it shall include the date death is presumed to have occurred
20 for the purpose of—

21 “(1) ending the crediting of pay and allowances;

22 “(2) settlement of accounts; and

23 “(3) payment of death gratuities.

24 That date is—

25 “(A) the day after the day on which the 12-month period in a
26 missing status ends; or

27 “(B) if the missing status has been continued under subsection
28 (a) of this section, the day determined by the Secretary con-
29 cerned, or his designee.

30 “(c) For the sole purpose of determining status under this section, a
31 dependent of a member on active duty is treated as if he were a mem-
32 ber. Any determination made by the Secretary concerned, or his
33 designee, under this section is conclusive on all other departments and
34 agencies of the United States. This subsection does not entitle a de-
35 pendent to pay, allowances, or other compensation to which he is not
36 otherwise entitled.

37 **“§ 556. Secretarial determinations**

38 “(a) The Secretary concerned, or his designee, may make any deter-
39 mination necessary to administer this chapter and, when so made, it is
40 conclusive as to—

41 “(1) death or finding of death;

1 “(2) the fact of dependency under this chapter;

2 “(3) the fact of dependency for the purpose of paying six
3 months’ death gratuities authorized by law;

4 “(4) the fact of dependency under any other law authorizing
5 the payment of pay, allowances, or other emoluments to enlisted
6 members of the armed forces, when the payments are contingent
7 on dependency;

8 “(5) any other status covered by this chapter;

9 “(6) an essential date, including one on which evidence or in-
10 formation is received by the Secretary concerned; and

11 “(7) whether information received concerning a member of a
12 uniformed service is to be construed and acted on as an official
13 report of death.

14 “(b) When the Secretary concerned receives information that he
15 considers establishes conclusively the death of a member of a uni-
16 formed service, he shall, notwithstanding any earlier action relating
17 to death or other status of the member, act on it as an official report
18 of death. After the end of the 12-month period in a missing status pre-
19 scribed by section 555 of this title, the Secretary concerned, or his
20 designee, shall, when he considers that the information received, or a
21 lapse of time without information, establishes a reasonable presump-
22 tion that a member in a missing status is dead, make a finding of death.

23 “(c) The Secretary concerned, or his designee, may determine the
24 entitlement of a member to pay and allowances under this chapter,
25 including credits and charges in his account, and that determination
26 is conclusive. An account may not be charged or debited with an
27 amount that a member captured, beleaguered, or besieged by a hostile
28 force may receive or be entitled to receive from, or have placed to
29 his credit by, the hostile force as pay, allowances, or other compensa-
30 tion.

31 “(d) The Secretary concerned, or his designee, may, when war-
32 ranted by the circumstances, reconsider a determination made under
33 this chapter, and change or modify it.

34 “(e) When the account of a member has been charged or debited
35 with an allotment paid under this chapter, the amount so charged or
36 debited shall be recredited to the account of the member if the Sec-
37 retary concerned, or his designee, determines that the payment was
38 induced by fraud or misrepresentation to which the member was not
39 a party.

1 “(f) Except an allotment for an unearned insurance premium, an
 2 allotment paid from pay and allowances of a member for the period
 3 he is entitled to pay and allowances under section 552 of this title
 4 may not be collected from the allottee as an overpayment when it
 5 was caused by delay in receiving evidence of death. An allotment
 6 payment for a period after the end of entitlement to pay and allow-
 7 ances under this chapter, or otherwise, which was caused by delay in
 8 receiving evidence of death, may not be collected from the allottee or
 9 charged against the pay of the deceased member.

10 “(g) The Secretary concerned, or his designee, may waive the re-
 11 covery of an erroneous payment or overpayment of an allotment to a
 12 dependent if he considers recovery is against equity and good con-
 13 science.

14 “(h) For the sole purpose of determining status under this section,
 15 a dependent of a member of a uniformed service on active duty is
 16 treated as if he were a member. Any determination made by the
 17 Secretary concerned, or his designee, under this section is conclusive
 18 on all other departments and agencies of the United States. This
 19 subsection does not entitle a dependent to pay, allowances, or other
 20 compensation to which he is not otherwise entitled.

21 **“§ 557. Settlement of accounts**

22 “(a) The Secretary concerned, or his designee, may settle the ac-
 23 count of—

24 “(1) a member of a uniformed service for whose account pay-
 25 ments have been made under sections 552, 553, and 555 of this
 26 title; and

27 “(2) a survivor of a casualty to a ship, station, or military in-
 28 stallation which results in the loss or destruction of disbursing
 29 records.

30 That settlement is conclusive on the accounting officers of the United
 31 States in settling the accounts of disbursing officers.

32 “(b) Payment or settlement of an account made pursuant to a report,
 33 determination, or finding of death may not be recovered or reopened
 34 because of a later report or determination which fixes a date of death.
 35 However, an account shall be reopened and settled on the basis of a
 36 date of death so fixed which is later than that used as a basis for earlier
 37 settlements.

38 “(c) In the settlement of his accounts, a disbursing officer is entitled,
 39 if there is no fraud or criminality by him, to credit for an erroneous

1 payment or overpayment he made in carrying out this chapter, except
 2 section 558. Unless there is fraud or criminality by him, recovery
 3 may not be made from a civilian officer or employee or a member of a
 4 uniformed service who authorizes a payment under this chapter, ex-
 5 cept section 558.

6 **“§ 558. Income tax deferment**

7 “Notwithstanding any other provision of law, in the case of a tax-
 8 able year beginning after December 31, 1940, a Federal income tax
 9 return of, or the payment of a Federal income tax by, a member of
 10 a uniformed service who, at the time the return or payment would
 11 otherwise become due, is in a missing status, does not become due until
 12 the earlier of the following dates—

13 “(1) the fifteenth day of the third month in which he ceased
 14 (except by reason of death or incompetency) being in a missing
 15 status, unless before the end of that fifteenth day he is again in
 16 a missing status; or

17 “(2) the fifteenth day of the third month after the month in
 18 which an executor, administrator, or conservator of the estate of
 19 the taxpayer is appointed.

20 That due date is prescribed subject to the power of the Secretary of the
 21 Treasury or his delegate to extent the time for filing the return or pay-
 22 ing the tax, as in other cases, and to assess and collect the tax as pro-
 23 vided by sections 6851, 6861, and 6871 of title 26 in cases in which the
 24 assessment or collection is jeopardized and in cases of bankruptcy or
 25 receivership.”

26 SEC. 6. (a) The analysis of chapter 95 of title 39, United States Code,
 27 is amended by adding the following:

“6216. Railroad operations, receipts and expenditures.”

28 (b) Chapter 95 of title 39, United States Code, is amended by adding
 29 the following new section:

30 **“§ 6216. Railroad operations, receipts and expenditures**

31 “The Postmaster General shall request all railroad companies trans-
 32 porting the mails to furnish, under seal, such data relating to the
 33 operating, receipts and expenditures of such roads as may, in his judg-
 34 ment, be deemed necessary to enable him to ascertain the cost of mail
 35 transportation and the proper compensation to be paid for the same.
 36 He shall, in his annual report to Congress, make such recommenda-
 37 tions, founded on the information obtained under this section, as shall,
 38 in his opinion, be just and equitable.”

1 SEC. 7. (a) The legislative purpose in enacting sections 1-6 of this
2 Act is to restate, without substantive change, the laws replaced by
3 those sections on the effective date of this Act. Laws effective after
4 June 30, 1965, that are inconsistent with this Act are considered as
5 superseding it to the extent of the inconsistency.

6 (b) A reference to a law replaced by sections 1-6 of this Act, includ-
7 ing a reference in a regulation, order, or other law, is deemed to refer
8 to the corresponding provision enacted by this Act.

9 (c) An order, rule, or regulation in effect under a law replaced by
10 sections 1-6 of this Act continues in effect under the corresponding
11 provision enacted by this Act until repealed, amended, or superseded.

12 (d) An action taken or an offense committed under a law replaced
13 by sections 1-6 of this Act is deemed to have been taken or committed
14 under the corresponding provision enacted by this Act.

15 (e) An inference of a legislative construction is not to be drawn
16 by reason of the location in the United States Code of a provision
17 enacted by this Act or by reason of the caption or catchline thereof.

18 (f) The enactment of this Act does not increase or decrease the pay,
19 allowances, compensation, or annuity of any person.

20 (g) If a provision enacted by this Act is held invalid, all valid
21 provisions that are severable from the invalid provision remain in
22 effect. If a provision of this Act is held invalid in one or more of its
23 applications, the provision remains in effect in all valid applications
24 that are severable from the invalid application or applications.

25 (h) Sections 1-6 of this Act shall be construed to apply to com-
26 missioned officers of the Public Health Service and commissioned of-
27 ficers of the Coast and Geodetic Survey to the same extent that the
28 laws replaced by those sections applied to these officers immediately
29 before the date of enactment of this Act.

30 SEC. 8. (a) The laws specified in the following schedule are repealed
31 except with respect to rights and duties that matured, penalties that
32 were incurred, and proceedings that were begun, before the effective
33 date of this Act and except as provided by section 7 of this Act.

34 (b) The right to a deferred annuity on satisfaction of the condi-
35 tions attached thereto is continued notwithstanding the repeal of the
36 law conferring the right.

- 1 (c) The repeal of a law by this Act may not be construed as a
 2 legislative inference that the provision was or was not in effect before
 3 its repeal.

Revised Statutes	Revised Statutes	Revised Statutes	Revised Statutes	Revised Statutes
Section	Section	Section	Section	Section
158	187	369	1766	2235
159	188	370	1773	2236
160	189	371	1774	2242
161	195	382	1775	2243
165	320	383 (1st sentence,	1778	2244
166	346	as applicable to	1784	2631
169	347	the Attorney	1974	3144
170	348	General; 2d and	1996	3157
173	349	3d sentences)	1997	3679 (b), (i) (as
174	350	384	1998	applicable to
175	353	446	2039	subsection (b))
176 (last sentence)	354	447	2052	[added]
177	356	1706	2056	3738
178	357	1753	2057	4404
179	358	1754	2058	4414
180	359	1757	2060	4415
181	360	1758	2063	4416
182	361	1759	2064	4840
183	364	1760	2068	4841
184	365	1761	2077	5305
185	366	1764	2222	5314
186	367	1765	2234	

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1874				
June 11	275.....		18	66
June 20	328.....	1 (2d sentence of 1st par. under "United States Mints and Assay Offices").	18	96
Do.....	328.....	3.....	18	109
June 22	389.....	2.....	18	176
Do.....	391.....	23.....	18	190
June 23	459.....		18	245
Dec. 1	344.....	2-5.....	18	127
1875				
Jan. 22	36.....	12.....	18	309
Mar. 3	129.....	1 (last 23 words of 1st full par. on p. 349).....	18	349
Do.....	130.....	3.....	18	399
Do.....	130.....	10.....	18	401
Do.....	131.....	14.....	18	420
Do.....	132.....	5.....	18	449
Do.....	132.....	10.....	18	450
Do.....	147.....		18	480
Do.....	153.....		18	483
Do.....	157.....		18	486
June 2	Proc. 1.....		19	661
1876				
Apr. 25	78.....	2.....	19	36
July 12	180.....	14.....	19	87
July 22	225.....		19	96
July 24	226.....	2-4.....	19	100, 101
July 31	246.....	(proviso and 1st full par. on p. 105).....	19	105
Aug. 9	256.....	2.....	19	126
Aug. 14	270.....	2.....	19	140
Aug. 15	287.....	1 (3d full par. on p. 152, less 1st sentence; and 4th full par. on p. 152).	19	152
Do.....	287.....	3, 6.....	19	169
Do.....	307.....	2.....	19	207

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1877				
Jan. 16	22		19	222
Do.	23		19	222
Feb. 27	69	1 (8th full par. on p. 241)	19	241
1878				
May 2	78		20	47
May 27	142	1 (provisos)	20	68
June 7	162	2, 4	20	100
June 11	180	11	20	107
June 14	188	(1st proviso and par. which begins "First")	20	112
Do.	196		20	132
Do.	198		20	133
June 15	215	3	20	137
Do.	215	8	20	138
June 18	269	2	20	166
June 19	329	1 (last sentence in 1st par. under "Office of the Attorney General").	20	205
June 20	359	1 (1st 28 words of 3d par. under "District of Columbia").	20	208
1879				
Jan. 24	21		20	264
Jan. 27	26	1 (last proviso)	20	267
Jan. 31	38		20	277
Feb. 4	48	2	20	282
Feb. 24	97	7, 9	20	320
Feb. 25	99	1	20	320
Feb. 26	103		20	322
Mar. 3	177	2	20	355
Do.	180	6	20	358
Do.	182	1 (2d sentence under "Public Buildings")	20	391
Do.	194	2	20	473
1880				
Jan. 13	4	(last proviso)	21	60
Jan. 24	13		21	62
Apr. 16	J. R. 22		21	304
June 10	189		21	173
1881				
Jan. 31	32	2, 3	21	604
Feb. 26	80	1 (4th proviso)	21	350
Mar. 3	144	6	21	507
1882				
Mar. 6	25	(last sentence)	22	13
Mar. 22	47	9	22	32
May 17	163	1 (last 2 sentences on p. 70)	22	70
Do.	163	1 (2d proviso on p. 86)	22	86
Do.	163	1 (so much as amends R.S. § 2056)	22	87
June 5	195	2	22	98
June 15	218	4	22	102
June 19	230	3	22	106
July 7	277		22	153
Aug. 3	376		22	214
Aug. 5	389	1 (last sentence under "Office of Life-Saving Service")	22	229
Do.	389	1 (proviso under "Pension Office")	22	248
Do.	389	4	22	255
Do.	399		22	301
Aug. 7	433	1 (last sentence of 9th par. on p. 306)	22	306
Do.	433	1 (last par. under "For the Suppression of Bigamy")	22	313
Do.	433	1 (par. beginning on p. 328 and ending on p. 329)	22	328, 329
Do.	436		22	344
1883				
Jan. 13	23		22	402
Jan. 16	27	1-3, 5-10	22	403-406
Jan. 31	41	3	22	412
Mar. 1	61	8	22	451
Mar. 3	101		22	484
Do.	128	4	22	563

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1883				
Mar. 3	135		22	567
Do.	137	3, 10, 14	22	568, 570
Do.	140	4	22	582
1884				
Mar. 31	18		23	6
May 1	37	(par. under "Indian Office")	23	17
May 13	46	2, 3	23	22
May 17	53	2-6, 9, 12	23	24-27
June 3	62		23	33
June 11	75		23	40
June 12	80		23	41
June 26	121	27	23	59
July 5	221	6	23	119
July 7	331	1 (2d proviso under "Commissioner of Internal Revenue" and following sentence).	23	172
Do.	331	1 (words between 1st and 2d semicolons under "General Land Office").	23	186
Do.	333	(2d par. under "Schedule C")	23	233
Do.	334	1 (sentence beginning on 5th line of p. 237)	23	237
Do.	334	1 (1st full par. on p. 242)	23	242
1885				
Mar. 3	343	1 (words between 1st and 2d semicolons under "General Land Office").	23	416
Do.	357		23	444
Do.	359	1 (1st par. under "Tenth Census")	23	462
1886				
June 2	416		24	77
June 30	572		24	91
July 2	611	(2d sentence in par. which begins "For fees and expenses".)	24	122
July 31	827	1 (words between 1st and 2d semicolons under "General Land Office").	24	199
Aug. 2	842		24	213
1887				
Feb. 23	J.R. 6		24	644
Mar. 1	313	(2d sentence in par. which begins "For fees and expenses".)	24	440
Mar. 3	392	1 (words between 1st and 2d semicolons under "General Land Office").	24	622
1888				
May 2	227		25	134
May 14	251	2, 3	25	147
May 15	255	1	25	150
May 21	297	3	25	153
June 4	341	2	25	167
June 13	389	3, 4	25	182
June 18	391		25	185
June 25	486		25	203
June 29	503	1 (all to last par. beginning "For the payment of necessary interpreters" on p. 218).	25	217, 218
July 11	615	1 (proviso on p. 272)	25	272
Do.	615	1 (words between 1st and 2d semicolons under "General Land Office").	25	285
July 18	676	1 (2d full par. on p. 321)	25	321
Aug. 1	722		25	352
Do.	723		25	353
Aug. 8	786		25	387
Aug. 9	823		25	398
Oct. 19	1209	(last sentence)	25	565
Dec. 18	6	2	25	638

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1889				
Feb. 9	121.....	(last 23 words).....	25	658
Do....	122.....	1 (38th through 54th words).....	25	659
Do....	122.....	3.....	25	659
Feb. 26	279.....	1 (proviso on p. 722).....	25	722
Do....	279.....	1 (words between 1st and 2d semicolons under "General Land Office").	25	735
Mar. 1	311.....	3.....	25	751
Do....	327.....	2.....	25	772
Do....	328.....	49.....	25	779
Mar. 2	370.....	1 (last par. beginning on p. 800).....	25	800
Do....	370.....	4.....	25	808
Do....	412.....	15.....	25	1006
1890				
Mar. 19	J.R. 12.....	.....	26	670
Apr. 10	77.....	.....	26	53
May 2	182.....	2, 3, 14.....	26	82, 88
June 10	407.....	30.....	26	142
July 11	667.....	1 (proviso on p. 244).....	26	244
Do....	667.....	1 (words between 1st and 2d semicolons under "General Land Office").	26	257
Do....	667.....	1 (words between 3d and 4th semicolons under "Department of Justice").	26	265
Aug. 8	729.....	.....	26	313
Aug. 28	812.....	.....	26	362
Do....	814.....	3.....	26	363
Aug. 29	820.....	1 (2d sentence under "Fourth Auditor's Office").....	26	371
Do....	820.....	1 (last par.).....	26	371
Oct. 1	1267.....	.....	26	655
1891				
Feb. 6	113.....	.....	26	733
Feb. 24	287.....	.....	26	783
Mar. 3	539.....	.....	26	854
Do....	541.....	1 (proviso and 1st full par. on p. 925).....	26	925
Do....	541.....	1 (words between 1st and 2d semicolons under "General Land Office").	26	937
Do....	541.....	1 (1st full sentence on p. 944).....	26	944
Do....	541.....	1 (words between 4th and 5th semicolons under "Office of the Attorney-General").	26	945
Do....	550.....	.....	26	1084
Do....	555.....	2.....	26	1090
Do....	564.....	1, 2, 18.....	26	1104, 1106
1892				
June 4	88.....	.....	27	41
July 6	154.....	.....	27	87
July 13	161.....	(2d sentence in par. which begins "For fees and expenses".)	27	119
July 16	196.....	1 (words between 1st and 2d semicolons under "General Land Office").	27	213
July 22	231.....	.....	27	257
July 26	250.....	1-3.....	27	268, 269
Aug. 5	380.....	1 (last par.).....	27	388
1893				
Mar. 1	187.....	(2d sentence in par. which begins "For fees and expenses".)	27	524
Mar. 2	199.....	1 (proviso on p. 546).....	27	546
Mar. 3	204.....	2, 3.....	27	564
Do....	208.....	(5th par. under "Public Buildings").....	27	591
Do....	208.....	(3d par. from end).....	27	612
Do....	209.....	1 (1st 2 pars. on p. 614).....	27	614
Do....	211.....	1 (words between 1st and 2d semicolons under "General Land Office").	27	704
Do..	211.....	4, 5.....	27	716

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1893				
Mar. 3	214.....	(last 25 words of 1st sentence in 2d par. under "General Expenses, Weather Bureau".)	27	742
Dec. 21	5.....		28	20
1894				
May 11	73.....	(penultimate par.).....	28	76
June 19	108.....	(penultimate par.).....	28	93
June 28	118.....		28	96
July 31	174.....	1 (2d par. under "Civil Service Commission").....	28	169
Do.....	174.....	1 (words between 1st and 2d semicolons under "General Land Office").	28	193
Do.....	174.....	3, 4.....	28	205
Aug. 3	202.....		28	225
Aug. 14	287.....	15.....	28	285
Aug. 15	290.....	1 (2d proviso on p. 288).....	28	288
Aug. 18	301.....	1 (2d par. on p. 391).....	28	391
Aug. 23	307.....	1 (last par. on p. 426).....	28	426
Do.....	308.....		28	488
Aug. 27	349.....	33, 64, 65.....	28	557, 567
Dec. 27	12.....	4.....	28	598
1895				
Jan. 12	23.....	23, 44, 46, 48, 73 (9th and 10th pars. on p. 618).....	28	604, 607, 608, 618
Feb. 11	80.....	3.....	28	651
Feb. 28	138.....	1-3, 11.....	28	689, 690
Mar. 1	146.....	2.....	28	699
Mar. 2	172.....	2.....	28	741
Do.....	176.....	1 (1st proviso on p. 747).....	28	747
Do.....	176.....	1 (2d proviso on p. 753).....	28	753
Do.....	176.....	1 (1st proviso on p. 757).....	28	757
Do.....	177.....	1 (5th full par. on p. 777).....	28	777
Do.....	177.....	1 (words between 1st and 2d semicolons under "General Land Office").	28	794
Do.....	177.....	1 (2d proviso and sentence following 2d proviso on p. 796).	28	796
Do.....	189.....	1 (3d par. on p. 919).....	28	919
1896				
Feb. 26	34.....	(par. under "Inspection of Consulates").....	29	36
Mar. 16	58.....		29	60
Mar. 28	73.....		29	75
May 28	252.....	1 (words between 1st and 2d semicolons under "General Land Office").	29	168
Do.....	252.....	3.....	29	179
June 3	313.....		29	198
June 9	387.....	("Sec. 4").....	29	317
June 10	398.....	1 (2d proviso and sentence following 2d proviso on p. 323).	29	323
June 11	419.....	1 (proviso on p. 402).....	29	402
Do.....	419.....	1 (provisos on p. 405).....	29	405
Do.....	419.....	1 (par. beginning "Industrial Home School").....	29	410
Dec. 22	2.....	(2d sentence in par. which begins "For fees and expenses".)	29	479
1897				
Feb. 15	231.....		29	530
Feb. 19	265.....	1 (words between 1st and 2d semicolons under "General Land Office").	29	567
Mar. 3	387.....	1 (1st full par. on p. 677 and 2d sentence under "For the Fire Department").	29	677
Apr. 23	1.....	(4th full par. on p. 10).....	30	10
June 4	2.....	1 (2d proviso on p. 29).....	30	29
June 7	3.....	1 (last proviso on p. 86).....	30	86
July 24	11.....	29 (last sentence).....	30	211
Do.....	14.....	2, 3.....	30	215

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1898				
Jan. 27	10		30	234
Mar. 15	68	1 (words between 1st and 2d semicolons under "General Land Office").	30	305
Do	68	7	30	316
June 6	389		30	432
July 1	546	1 (3d proviso on p. 644)	30	644
July 7	571	1 (1st par. on p. 653)	30	653
1899				
Feb. 4	89	(2d sentence in par. which begins "For fees and expenses".)	30	820
Feb. 21	176	4	30	842
Feb. 24	187	1 (14th par. on p. 864)	30	864
Do	187	1 (words between 1st and 2d semicolons under "General Land Office").	30	877
Do	187	4	30	890
Mar. 3	427	1 (2d par. under "Treasury Department")	30	1215
1900				
Apr. 4	158	(2d sentence in par. which begins "For fees and expenses".)	31	60
Apr. 12	191	26, 29, 36, 37, 40	31	82, 85, 86
Apr. 17	192	1 (2d sentence of 2d par. under "War Department")	31	113
Do	192	1 (words between 1st and 2d semicolons under "General Land Office").	31	121
Do	192	3	31	133
May 25	555	(last 39 words in 2d par. on p. 202)	31	202
Do	555	(last sentence on p. 203)	31	203
May 26	589		31	218
May 31	598	1 (proviso on p. 239)	31	239
Do	598	2 (2d proviso)	31	246
June 2	614		31	262
June 6	789	1 (1st 3 pars. under "Public Schools")	31	564, 565
Do	789	1 (proviso on p. 566)	31	566
Do	789	1 (proviso on p. 577)	31	577
Do	791	1 (par. beginning "Enforcement of the Chinese Exclusion Act").	31	610
Do	791	1 (2d par. under "Antietam Battlefield")	31	630
1901				
Feb. 1	190		31	746
Feb. 12	363	(2d sentence in par. which begins "For fees and expenses".)	31	788
Feb. 27	615		31	816
Feb. 28	622	3	31	819
Mar. 2	805	(1st par. on p. 924)	31	924
Do	805	(last 39 words preceding 3d proviso on p. 926)	31	926
Do	806	12	31	949
Do	809	3	31	951
Mar. 3	830	1 (words between 1st and 2d semicolons under "General Land Office").	31	996
Do	830	3	31	1009
Do	832	1 (1st proviso on p. 1075)	31	1075
Do	832	2 (2d proviso)	31	1083
Do	853	1 (2d par. under "Antietam Battlefield")	31	1172
Do	853	1 (2d proviso on p. 1179)	31	1179
Do	854	3	31	1190
Do	854	179	31	1219
Do	854	553	31	1276
Do	854	1187	31	1378
Do	854	1189	31	1378
Do	858		31	1437
Do	872	4	31	1449
1902				
Feb. 14	17	1 (3d par. under "Treasury Department")	32	6
Do	17	1 (par. under "Pensions")	32	23
Apr. 28	594	1 (2d par. under "Collecting Internal Revenue")	32	142
Do	594	1 (words between 1st and 2d semicolons under "General Land Office").	32	157

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1902				
Apr. 28	594.....	3.....	32	171
Do.....	595.....	2.....	32	172
May 2	679.....	32	184
May 27	888.....	1 (par. beginning "At Yankton Agency").....	32	246
Do.....	888.....	1 (2d proviso on p. 261).....	32	261
Do.....	888.....	2 (2d proviso).....	32	274
June 3	985.....	(2d par. under "General Expenses, Weather Bureau").....	32	287
Do.....	985.....	(last 45 words preceding 1st proviso on p. 290).....	32	290
Do.....	985.....	(1st proviso on p. 303).....	32	303
June 17	1093.....	5 (last sentence).....	32	389
June 28	1301.....	1 (2d par. under "Antietam Battlefield").....	32	464
Do.....	1312.....	.....	32	492
July 1	1369.....	.....	32	691
Do.....	1372.....	.....	32	715
Do.....	1383.....	3.....	32	732
Dec. 16	2.....	.....	32	753
1903				
Feb. 14	552.....	1 (83d through 99th words).....	32	825
Do.....	552.....	6.....	32	827
Do.....	552.....	10 (2d par.).....	32	829
Feb. 19	707.....	(1st 3 pars.).....	32	841
Feb. 25	755.....	1 (words between 1st and 2d semicolons under "General Land Office").....	32	892
Mar. 3	944.....	1 (1st proviso on p. 997).....	32	997
Do.....	944.....	2 (3d proviso).....	32	1006
Do.....	1006.....	1 (so much of 2d par. under "Department of Justice" as provides for appointment, pay, and duties of an additional Assistant Attorney General and an assistant to the Attorney General).....	32	1062
Do.....	1007.....	1 (2d par. under "Antietam Battlefield").....	32	1128
1904				
Jan. 20	40.....	.....	33	9
Mar. 18	716.....	1 (words between 1st and 2d semicolons under "General Land Office").....	33	124
Apr. 21	1402.....	1 (provisos on p. 190).....	33	190
Do.....	1402.....	1 (last proviso on p. 206).....	33	206
Do.....	1402.....	2 (2d proviso).....	33	216
Apr. 23	1485.....	(3d proviso on p. 270).....	33	270
Do.....	1486.....	(par. under "Salaries, Weather Bureau").....	33	278
Apr. 28	1762.....	1 (9th par. on p. 478).....	33	478
Do.....	1762.....	1 (2d par. under "Antietam Battlefield").....	33	496
Do.....	1762.....	4.....	33	513
Do.....	1783.....	.....	33	538
Do.....	1806.....	4.....	33	551
Do.....	1806.....	6.....	33	552
1905				
Jan. 19	49.....	.....	33	609
Feb. 3	297.....	1 (proviso on p. 642).....	33	642
Do.....	297.....	1 (proviso on p. 652).....	33	652
Do.....	297.....	1 (1st full par. on p. 659).....	33	659
Do.....	297.....	1 (words between 1st and 2d semicolons under "General Land Office").....	33	670
Feb. 6	453.....	7.....	33	692
Mar. 3	1405.....	(par. under "Salaries, Weather Bureau").....	33	863
Do.....	1405.....	(last 2 pars.).....	33	883
Do.....	1406.....	1 (proviso on p. 898).....	33	898
Do.....	1413.....	2.....	33	983
Do.....	1422.....	.....	33	990
Do.....	1455.....	.....	33	1026
Do.....	1457.....	1.....	33	1028
Do.....	1457.....	2.....	33	1029
Do.....	1479.....	1 (last proviso on p. 1060).....	33	1060
Do.....	1479.....	2 (2d proviso).....	33	1077
Do.....	1483.....	1 (2d par. under "Antietam Battlefield").....	33	1197

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1906				
Feb. 27	510.....	1 (9th par. under "The Isthmian Canal").....	34	33
Apr. 5	1366.....	34	99
Apr. 9	1372.....	34	106
Apr. 24	1865.....	3.....	34	136
May 7	2083.....	2.....	34	170
June 16	3337.....	(par. under "Clerks at Embassies and Legations").....	34	288
June 19	3436.....	3.....	34	303
June 20	3443.....	4.....	34	315
Do.....	3446.....	4.....	34	318
Do.....	3446.....	8.....	34	320
Do.....	3446.....	9.....	34	321
June 21	3504.....	(3d proviso on p. 326).....	34	326
Do.....	3504.....	(1st proviso on p. 328).....	34	328
Do.....	3504.....	(2d full par. on p. 345).....	34	345
June 22	3514.....	1 (1st proviso on p. 401).....	34	401
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Do.....	3514.....	1 (words between 1st and 2d semicolons under "General Land Office").	34	429
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June 25	3528.....	34	456
June 27	3553.....	1 (provisos on p. 500).....	34	500
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Do.....	3913.....	(3d par. on p. 678).....	34	678
Do.....	3913.....	(1st full sentence on p. 681).....	34	681
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Do.....	3913.....	(3d full par. on p. 695, less 3d proviso).....	34	695
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Do.....	1635.....	1 (words between 1st and 2d semicolons under "General Land Office").	34	975
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Mar. 1	2285.....	(2d proviso on p. 1015).....	34	1015
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Mar. 2	2558.....	34	1241
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Mar. 4	2907.....	(56th through 132d words in 3d par. on p. 1258).....	34	1258
Do.....	2907.....	(words between 1st semicolon and 1st proviso on p. 1260.)	34	1260
Do.....	2907.....	(1st full sentence on p. 1267).....	34	1267
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1908				
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May 11	162.....	("Sec. 5").....	35	103
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May 21	183.....	(par. under "Clerks at Embassies and Legations").....	35	173
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May 23	192	(4th par. on p. 267)	35	267
May 26	198	6	35	311
May 27	200	1 (2d par. under "Antietam Battlefield")	35	362
May 28	212	9	35	428
May 29	220	13 (last sentence)	35	468
May 30	236		35	556
1909				
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Feb. 17	137		35	626
Feb. 18	148		35	637
Feb. 24	179		35	645
Feb. 27	223		35	657
Mar. 2	235	(par. under "Clerks at Embassies and Legations")	35	674
Mar. 3	250	1 (proviso on p. 691)	35	691
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1910				
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May 6	199	(par. under "Clerks at Embassies and Legations")	36	338
May 18	248	1 (proviso on p. 377)	36	377
May 26	256	(1st proviso)	36	416
June 17	297	1 (2d par. under "Civil Service Commission")	36	483
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Do	297	1 (proviso on p. 511)	36	511
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June 25	384	1 (2d par. under "Antietam Battlefield")	36	723
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1911				
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Mar. 4	237	1 (1st proviso on p. 1185)	36	1185
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1912				
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Mar. 11	57		37	74
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July 25	253	1 (2d par. on p. 218)	37	218
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Aug. 17	301	1 (3d par. on p. 312)	37	312
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Mar. 4	141	1 (75th through 91st words)	37	736
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Do	142	1 (2d sentence in 4th full par. on p. 750)	37	750
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May 16	91		38	378
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June 30	131	(4th and 6th full pars. on p. 441)	38	441
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July 16	141	1 (5th par. under "Civil Service Commission")	38	465
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July 21	191	1 (proviso on p. 519)	38	519
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Aug. 1	222	1 (2d proviso on p. 583)	38	583
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May 10	117	1 (2d par. on p. 104)	39	104
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May 18	125	1 (3d proviso on p. 124)	39	124
June 15	147	3	39	227
July 1	208	(par. under "Clerks at Embassies and Legations")	39	253
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July 17	245	28 (3d par.)	39	381
July 28	261	1 (6th par. on p. 413)	39	413
Aug. 29	416	20	39	552
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1917				
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Mar. 3	160	1 (2d par. on p. 1012)	39	1012
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July 1	113	1 (proviso on p. 652)	40	652
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July 3	130	1 (2d par. on p. 799)	40	799
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May 22	195		41	614
May 29	214	1 (3d full par. on p. 655)	41	655
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May 31	217	(proviso on p. 714)	41	714
June 2	219	6	41	737
June 4	223	1 (par. under "Clerks at Embassies and Legations")	41	740
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June 5	234	1 (1st 10 provisos under "Public Schools")	41	850, 851
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Mar. 3	124	1 (par. beginning "Commercial attaches")	41	1298
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May 24	199	(6th full par. on p. 553)	42	553
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Do.	199	(last par. beginning on p. 556)	42	556
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June 1	204	(par. under "Clerks at Embassies and Legations")	42	601
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June 12	218	(1st proviso under "Civil Service Commission")	42	637
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June 13	219		42	650
June 17	222		42	651
June 29	249	1 (1st 11 provisos under "Teachers")	42	684, 685
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June 30	253	(last par. on p. 756)	42	756
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July 1	258	1 (2d proviso on p. 769)	42	769
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Do.	264	(3d full par. on p. 394)	43	394
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Feb. 12	225	(provisos on p. 892)	43	892
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Feb. 27	364	(provisos on p. 1014)	43	1014
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Do.	364	(parenthetical expression in last par. on p. 1029)	43	1029
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Jan. 21	47	5(d)	44	1021
Feb. 12	110		44	1086
Feb. 23	167	(last full par. on p. 1138)	44	1138
Feb. 24	189	(words between 3d and 5th commas of 1st par. under "Department of Commerce".)	44	1199
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Mar. 2	271	1 (8th full par. on p. 1314)	44	1314
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Mar. 3	346		44	1380
Do	348	5	44	1382
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Mar. 4	509	42	44	1444
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Feb. 15	57	(words between 3d and 5th commas of 1st par. under "Department of Commerce".)	45	83
Mar. 5	126	2	45	193
Mar. 6	134		45	197
Mar. 7	137	1 (last proviso on p. 227)	45	227
Mar. 10	167	23	45	279
Mar. 23	232	1 (last full par. on p. 354)	45	354
Apr. 4	315		45	405
Apr. 19	382		45	433
May 16	572	(2d proviso on p. 540)	45	540
Do	580	1 (3d par. under "Bureau of Efficiency")	45	576
May 17	606		45	596
May 21	659	1 (7th par. on p. 662)	45	662
May 29	901	1 (116), 2	45	995, 996
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1929				
Jan. 25	102	(words between 3d and 5th commas of 1st par. under "Department of Commerce".)	45	1114
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Feb. 20	270	1 (3d par. under "Bureau of Efficiency")	45	1233
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Feb. 25	313	5	45	1262
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Feb. 26	323		45	1307
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Do	367	1 (proviso on p. 1397)	45	1397
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Mar. 2	540	("Sec. 9")	45	1521
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Apr. 17	174		46	170
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May 14	273	1 (2d proviso on p. 306)	46	306
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June 4	407	1 (proviso on p. 516)	46	516
June 11	455		46	554
June 17	497	339	46	706
June 26	618		46	817
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June 27	644		46	822
July 3	847	6 (4th par.)	46	948
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Feb. 20	234	1 (proviso on p. 1185)	46	1185
Feb. 23	278	(2d proviso on p. 1243)	46	1243
Do	279	(2d par. on p. 1302)	46	1302
Do	280	1 (words between 2d and 4th commas of 1st par. under "Department of Commerce").	46	1329
Do	282	1 (5th full par. on p. 1394)	46	1394
Feb. 24	287		46	1415
Feb. 26	306		46	1421
Mar. 2	375		46	1471
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Apr. 22	125	1 (2d proviso on p. 114)	47	114
June 29	308	1 (penultimate par. on p. 360)	47	360
June 30	314	1 (proviso on p. 393)	47	393
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July 1	361	1 (words between 2d and 4th commas of 1st par. under "Department of Commerce").	47	497
July 7	443	1 (4th proviso on p. 610)	47	610
July 14	482	1 (1st par. on p. 690)	47	690
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Feb. 17	98	1 (2d proviso on p. 842)	47	842
Feb. 28	134	1 (proviso on p. 1362)	47	1362
Mar. 1	144	1 (words between 3d and 5th commas of 1st par. under "Department of Commerce").	47	1388
Mar. 3	203	(4th proviso on p. 1432)	47	1432
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Mar. 4	281	1 (1st full par. on p. 1596)	47	1596
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Mar. 2	38	1 (2d proviso on p. 380)	48	380
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Apr. 7	104	1 (words between 3d and 6th commas of 1st par. under "Department of Commerce").	48	546
May 10	277	512(b), 513	48	759
May 30	372	1 (proviso on p. 828)	48	828
June 4	389	1 (5th par. on p. 860)	48	860
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Mar. 22	39	1 (2d proviso on p. 70)	49	70
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Apr. 8	48	14	49	119
May 9	101	1 (2d proviso on p. 197)	49	197
May 17	131	1 (1st proviso on p. 248)	49	248
June 14	241	1 (last par. on p. 355)	49	355
July 25	416		49	498
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Jan. 21	21		49	1097
Mar. 14	140	3	49	1161
May 13	382		49	1270
May 15	405	1 (5th full par. on p. 1321)	49	1321
Do	405	1 (words between 3d and 5th commas of 1st par. under "Department of Commerce").	49	1331
May 26	452		49	1374
May 27	463	1-3	49	1380, 1381
June 4	489	(3d proviso)	49	1421
June 5	519		49	1478
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June 23	726	1 (10th full par. on p. 1869)	49	1869
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June 16	359	1 (1st proviso on p. 269)	50	269
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June 28	383	1, 2, 5, 8-10	50	319-321
June 29	403	1 (3d par. on p. 371)	50	371
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July 13	494		50	512
July 26	522		50	533
Aug. 9	570	1 (1st proviso on p. 592)	50	592
Aug. 14	624		50	640
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May 6	115.....	1 (2d proviso on p. 657).....	53	657
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June 5	185.....	53	810
June 27	244.....	5, 6.....	53	856
June 29	248.....	(8th par. on p. 896).....	53	896
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June 30	253.....	(2d proviso on p. 940).....	53	940
July 14	266.....	53	1000
July 15	281.....	1 (4th par. on p. 1017).....	53	1017
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Aug. 2	410.....	9.....	53	1148
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Apr. 18	107.....	1 (85 words before 2d semicolon on p. 121).....	54	121
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May 31	156	1 (last proviso on p. 214)	55	214
June 3	168		55	241
June 9	189		55	247
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July 1	267	1 (3d proviso)	55	408
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Mar. 10	178	1 (2d proviso on p. 152)	56	152
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Apr. 7	220		56	200
Apr. 28	246	6	56	225
May 2	277		56	266
June 11	404	1, 4	56	351, 353
June 23	444	1 (last par. on p. 389)	56	389
June 27	450	1 (85 words before 2d semicolon under "Federal Housing Administration").	56	401
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July 2	472	(1st full par. on p. 480)	56	480
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July 3	482		56	645
July 22	516	1 (2d proviso on p. 665)	56	665
Do	516	1 (4th proviso on p. 699)	56	699
July 29	533		56	725
Oct. 2	577		56	765
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Apr. 29	82	3	57	71
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June 27	286.....	101 (85 words before 2d semicolon on p. 377).....	58	377
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Aug. 21	88-471-----	1-5, 6(a)-(d), 8-----	78	582-584
Aug. 30	88-499-----	1, 2 (e), 3-7-----	78	615-618
Do....	88-508-----	-----	78	666
Aug. 31	88-531-----	-----	78	737
Do....	88-538-----	-----	78	745
Oct. 6	88-631-----	1, 2, 3(a), (b), (e), 4-----	78	1007, 1008
Oct. 13	88-647-----	302-----	78	1073
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June 24	89-47-----	-----	79	171

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			Volume	Page
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1949	5	-----	63	1067
1950	2	1-5-----	64	1261
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United States Code

United States Code		United States Code		United States Code	
Title	Section	Title	Section	Title	Section
10.....	1580	28.....	509	28.....	549
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28.....	503	28.....	543	28.....	553
28.....	504	28.....	544	28.....	554
28.....	505	28.....	545	28.....	555
28.....	506	28.....	546	28.....	556
28.....	507	28.....	547	28.....	962
28.....	508	28.....	548		

A BILL

To enact title 5, United States Code, "Government Organization and Employees", codifying the general and permanent laws relating to the organization of the Government of the United States and to its civilian officers and employees.

By Mr. Celler

JULY 27, 1985

Referred to the Committee on the Judiciary

13. PERSONNEL; MANPOWER. Received a report of the Post Office and Civil Service Committee on current manpower issues in the Federal Government (H. Rept. 816). p. 20322
14. WATER RESOURCES. Rep. Brock spoke in support of his bill, H. R. 10539, to establish a national water resources trust fund for research and development of water resources and their use. p. 20310
15. LEGISLATIVE PROGRAM. Rep. Albert announced that H. R. 9567, the proposed Higher Education Act of 1965, will be considered next week. pp. 20299-300
16. ADJOURNED until Mon., Aug. 23. p. 20321

SENATE

17. POVERTY. Passed with amendments H. R. 8283, to expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunity Act of 1964 (pp. 20325, 20326-30, 20332-37, 20340-78). Conferees were appointed (p. 20377). The bill amends title III (Special Programs to Combat Poverty in Rural Areas) of the Economic Opportunity Act so as to make clear that prohibition against loans to cooperatives organized for manufacturing purposes does not prevent loans to cooperatives processing dairy products or similar edible farm products; to clarify the authority granted with respect to the types and scope of assistance and the institutions through which assistance may be extended to migrant workers and their families; and to authorize the appropriation of \$55 million for fiscal year 1966 for carrying out the purposes of title III.

Agreed to the following amendments:

By Sen. McGovern, to assure that benefits under the legislation are distributed equitably between the urban and rural areas. pp. 20353-54

By Sen. Javits, to authorize hearings on a Governor's request regarding proposed contracts, agreements, grants, loans, or other assistance for carrying out titles I and II covering youth programs for urban and rural community action programs. pp. 20354-57

Rejected the following amendments:

By Sen. Prouty, 44-48, and Sen. Dominick, 49-42, to permit a Governor's veto on youth, urban and rural community action programs. pp. 20326-37

By Sen. Prouty, 35-58, to provide that all functions under title III (relating to rural areas) be transferred to the Secretary of Agriculture. pp. 20341-46

18. STOCKPILE. The Armed Services Committee reported without amendment H. R. 9544, to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 620,000 long tons of natural rubber from the national stockpile (S. Rept. 626). p. 20378
19. LOANS. The Agriculture and Forestry Committee reported with amendment H.R. 4152, to provide means for expediting the retirement of Government capital in the Federal intermediate credit banks, including an increase in the debt permitted such banks in relation to their capital and provision for the production credit associations to acquire additional capital stock therein, and to provide for allocating certain earnings of such banks and associations to their users (S. Rept. 630). p. 20378

Aug. 19, 1965

2. FOREIGN AID. Agreed to 244 to 150, the conference report on H. R. 7750, the foreign aid authorization bill (pp. 20228-33). See Digest 152 for items of interest.
Rep. Udall commended the Alliance for Progress on its fourth anniversary. pp. 20315-6
3. TRANSPORTATION. Agreed to the conference report on H. R. 5401, to amend the Interstate Commerce Act so as to strengthen and improve the national transportation system. This bill will now be sent to the President. pp. 20234-5
4. STATE-JUSTICE-COMMERCE-JUDICIARY APPROPRIATION BILL. Agreed to the conference report on this bill, H. R. 8639. pp. 20233-4
5. FOREIGN TRADE. Conferees were appointed on H. R. 7969, to correct certain errors in the Tariff Schedules of the U. S. (p. 20228). Senate conferees have already been appointed.
Conferees were appointed on H. R. 5768, to extend for an additional 3-year period (until Nov. 7, 1968) the existing suspension of duties on certain classifications of yarn of silk (p. 20228). Senate conferees have not yet been appointed.
6. RESEARCH. The Interstate and Foreign Commerce Committee reported with amendment H. R. 3420, to provide economic growth by supporting State and regional centers to place the findings of science usefully in the hands of American enterprise (H. Rept. 817). p. 20322
7. FOREIGN SERVICE. The Foreign Affairs Committee reported with amendment H. R. 6277, to amend the Foreign Service Act of 1946 (H. Rept. 830). p. 20322
8. APPROPRIATIONS. The Appropriations Committee reported without amendment H. R. 10586, making supplemental appropriations to HEW for fiscal year 1966 (H. Rept. 818). p. 20322
9. RECLAMATION. A subcommittee of the Interior and Insular Affairs Committee voted to report to the full committee with amendment H. R. 4851, to amend the Small Reclamation Projects Act of 1956. p. D823
10. TRANSPORTATION RESEARCH. The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendment H. R. 5863, to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation. p. D823
11. INSECTICIDES; FISHERIES. A subcommittee of the Merchant Marine and Fisheries Committee voted to report to the full committee S. 1623, to authorize a continuing study by Interior of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses, and H. R. 23, with amendment, to authorize Interior to initiate a program for the conservation and development of anadromous fish in cooperation with the States. p. D823
12. ORGANIZATION; LAWS. A subcommittee of the Judiciary Committee voted to report to the full committee H. R. 10104, to codify the general and permanent laws relating to the organization of the Federal Government and to its employees. p. D823

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DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued Sept. 1, 1965
For actions of Aug. 31, 1965
89th-1st; No. 160

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HIGHLIGHTS: House agreed to conference report on bill to establish Dept. of Housing and Urban Development. Rep. Langen criticized activities of sugar lobbyists. Sen. Metcalf expressed concern over farm income level in Mont.

SENATE

1. **CLAIMS.** The Judiciary Committee reported without amendment H. R. 5024, to provide for settlement of claims by Government personnel for damage to or loss of personal property incident to their service (S. Rept. 655). p. 21474
2. **TRADE FAIRS.** The Foreign Relations Committee voted to report (but did not actually report) S. 2167, to provide for U. S. participation in the HemisFair 1968 exposition to be held in San Antonio, Tex. p. D863
3. **EDUCATION.** The Labor and Public Welfare Committee voted to report (but did not actually report) H. R. 9567, the proposed Higher Education Act of 1965. The "Daily Digest" states that the Committee "amended the bill by substituting therefor the text of an amended version of S. 600, companion bill." p. R864

4. RECREATION. Received a Mich. Legislature resolution urging establishment of the Sleeping Bear Dunes National Recreation Area, Mich. p. 21474
5. INTERGOVERNMENTAL RELATIONS. Received a resolution of the National Legislative Conference favoring S. 561, the proposed Intergovernmental Cooperation Act of 1965. p. 21474
6. FARM PROGRAM. Sen. Carlson submitted an amendment to the farm bill which would "permit a man and wife who owned and operated land individually previous to their marriage to operate the previously owned land independently after marriage under the farm program." pp. 21476-7
7. FARM INCOME. Sen. Metcalf inserted a summary of the farm income and expenses of 99 Mont. farm operators which he called "disturbing" but noted that "had it not been for co-op refunds and agricultural program payments, most of the farmers would have been much worse off." p. 21513
8. VETERANS' AFFAIRS. Sen. Randolph commended and inserted the testimony of Sen. Yarborough in support of the cold war GI bill. pp. 21511-12
9. WATER RESOURCES. Sen. Kuchel commended and inserted the testimony of Calif.'s Attorney General Lynch and others in support of legislation to authorize the Lower Colorado River Basin Project. pp. 21531-39

HOUSE

10. HOUSING. Agreed to the conference report on H. R. 6927, to provide for the establishment of a Department of Housing and Urban Development (pp. 21545-7). This bill will now be sent to the President. The bill includes a provision directing the President to undertake studies of the organization of housing and urban development programs within the Federal Government and to provide Congress with the results of such studies together with recommendations regarding the possible transfer of functions and programs to or from the Department.
11. FORESTRY. The Agriculture Committee reported H. R. 10330, with amendment, to provide for the establishment of the Spruce Knob-Seneca Rocks National Recreation Area, W. Va. (H. Rept. 909), and H. R. 10366, without amendment, to provide for the establishment of the Mount Rogers National Recreation Area in the Jefferson National Forest, Va. (H. Rept. 910). p. 21626
12. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment H. R. 4851, to make various amendments to the Small Reclamation Projects Act of 1956 (H. Rept. 894). p. 21626
13. AIR POLLUTION. The Interstate and Foreign Commerce Committee reported with amendment S. 306, to amend the Clean Air Act to require standards for controlling the emission of pollutants from motor vehicles and to establish a Federal Air Pollution Control Laboratory (H. Rept. 899). p. 21626
14. PERSONNEL; ORGANIZATION. The Judiciary Committee reported without amendment H. R. 10104, to enact title 5, U. S. Code, "Government Organization and Employees", codifying the general and permanent laws relating to the organization of the Federal Government and to its civilian employees (H. Rept. 901). p. 21626

ENACTMENT OF
TITLE 5, UNITED STATES CODE,
ENTITLED "GOVERNMENT ORGANIZATION
AND EMPLOYEES"

REPORT

FROM THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

TO ACCOMPANY

H.R. 10104

A BILL TO ENACT TITLE 5, UNITED STATES CODE,
"GOVERNMENT ORGANIZATION AND EMPLOYEES,"
CODIFYING THE GENERAL AND PERMANENT LAWS
RELATING TO THE ORGANIZATION OF THE GOVERN-
MENT OF THE UNITED STATES AND TO ITS CIVILIAN
OFFICERS AND EMPLOYEES



AUGUST 31, 1965.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed

ENACTMENT OF
TITLE 5, UNITED STATES CODE,
ENTITLED "GOVERNMENT ORGANIZATION
AND EMPLOYEES"

R E P O R T

FROM THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

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H.R. 10104

A BILL TO ENACT TITLE 5, UNITED STATES CODE,
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OFFICERS AND EMPLOYEES



AUGUST 31, 1965.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

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TITLE 5, UNITED STATES CODE, "GOVERNMENT ORGANIZATION AND EMPLOYEES"

AUGUST 31, 1965.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. WILLIS, from the Committee on the Judiciary, submitted the
following

REPORT

[To accompany H.R. 10104]

The Committee on the Judiciary, to whom was referred the bill (H.R. 10104) to enact Title 5, United States Code, "Government Organization and Employees," codifying the general and permanent laws relating to the organization of the Government of the United States and to its civilian officers and employees, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PRELIMINARY STATEMENT

Purpose.—The purpose of this bill is to restate in comprehensive form, without substantive change, the statutes in effect before July 1, 1965, that relate to Government employees, the organization and powers of Federal agencies generally, and administrative procedure, and to enact title 5 of the United States Code. In the revised title 5, simple language has been substituted for awkward and obsolete terms, and superseded, executed, and obsolete statutes have been eliminated. This bill is a part of the program of the Committee on the Judiciary of the House of Representatives to enact into law all fifty titles of the United States Code.

History.—The statutes that relate to Government personnel begin with the first statute enacted by Congress, 1 Stat. 23. With the growth of the United States and the accompanying growth in the size of the Government's work force and the complexity of their duties, the personnel statutes grew in number and in complexity. Attempts were made periodically to consolidate personnel statutes, but these attempts had only partial success and grew obsolete through the enactment of subsequent statutes. The Commission on Organization of

the Executive Branch of the Government (Hoover Commission), in its report on personnel and civil service, February 1955, recommended that the Civil Service Commission prepare and that Congress enact a statute to codify the personnel statutes of the United States (Recommendation 17, pp. 82-83). The need for codification of the statutes relating to personnel has also been recognized by the Committees on Post Office and Civil Service of both Houses, the Bureau of the Budget, and the Civil Service Commission.

In June of 1956, the Civil Service Commission directed its General Counsel, L. V. Meloy, to undertake the recodification of title 5. The recodification effort resulted in two earlier bills, H.R. 8748, 86th Congress, 1st session, which was introduced on August 20, 1959, and H.R. 4158, 88th Congress, 1st session, which was introduced on February 25, 1963. Both bills were circulated among the departments and agencies of the Government and, after receipt, consideration, and adoption of the constructive comments submitted, and incorporation of subsequent legislation, the bill was revised into its present form. Throughout the project, close liaison was maintained between the office of general counsel of the Civil Service Commission and Dr. Charles J. Zinn, law revision counsel for the House Committee on the Judiciary.

Inclusion and exclusion of statutes.—Title 5 as revised does not include all the personnel statutes of the United States. Statutes that relate to the employees of only one agency, if not previously in title 5, have not been brought into the title. Statutes relating to civilian employees which apply to more than one agency are included in title 5 regardless of where they may have appeared previously. Some of these statutes also apply to members of the uniformed service.

Statutes that are temporary in nature are omitted from title 5. A citation to each of these statutes which was in effect before July 1, 1965, is provided in table III.

Revision of language.—In order to restate the statutes relating to personnel in one comprehensive title, it is necessary to make changes in language. Some of the changes are necessary to attain uniformity within the title. Others are necessary to effect consolidation of related statutes and to conform to common contemporary usage. In making changes in the language, precautions have been taken against making substantive changes in any statute.

Revision notes.—A revision note has been prepared for each section of the revised title 5 and for each section of titles 4, 18, 28, 37, and 39 amended by this bill. The revision note shows the statutory basis or source of the section, and explains significant changes in and omissions of language.

Standard changes.—Certain standard changes are made uniformly throughout title 5 as revised. Some of these are explained in chapter 1, "Organization", and chapter 21, "Definitions". The most significant of the other standard changes are explained in the following paragraphs.

As far as possible, the statute is stated in the present tense and in the active voice. Where there is a choice of two or more words, otherwise of equal legal effect, the more commonly understood word is used.

The word "shall" is used in the mandatory and imperative sense. The word "may" is used in the permissive sense, as "is permitted to"

and "is authorized to". The words "may not" are used in a prohibitory sense, as "is not authorized to" and "is not permitted to". The words "no individual may" mean that no individual is required, authorized, or permitted to do the act.

The word "includes" means includes but is not limited to. The word "considered" denotes the exercise of judgment. The word "deemed" is used where a legal fiction, or what may in some cases be a legal fiction, is intended. The word "is" is used for statements of fact.

The word "pay" refers to salary, wages, and remuneration for services. The word "compensation" refers to Federal employees' compensation benefits and unemployment compensation benefits.

When a right is conferred, the words "is entitled" or their equivalent are used.

The words "under section —" are used instead of "pursuant to section —" and "in accordance with section —".

The word "such" is not used as a demonstrative adjective. The use of the word "each", "any", "every", or "all" is confined to instances in which it is feared that doubt would arise if the word were not used.

Provisos are not used. An exception or limitation is introduced by the words "except that" or "but" or by placing the excepting or limiting provision in a separate sentence.

The phrase "territories and possessions" is substituted for "Territory", "Territories", "Territories and possessions" and "possessions" as there are now no "Territories" and to preserve the intended coverage and acquire consistency in language. In some instances the phrase "including the Commonwealth of Puerto Rico" is added to the phrase "territories and possessions" to continue an emphasis contained in the statute.

Substantive change not intended.—Like other recent codifications undertaken as a part of the program of the Committee on the Judiciary of the House of Representatives to enact into law all 50 titles of the United States Code, there are no substantive changes made by this bill enacting title 5 into law. It is sometimes feared that mere changes in terminology and style will result in changes in substance or impair the precedent value of earlier judicial decisions and other interpretations. This fear might have some weight if this were the usual kind of amendatory legislation where it can be inferred that a change of language is intended to change substance. In a codification statute, however, the courts uphold the contrary presumption: the statute is intended to remain substantively unchanged. The following authorities affirm this principle:

Stewart v. Kahn (11 Wall. 493, 502 (1871)).

Smythe v. Fiske (23 Wall. 374, 382 (1874)).

McDonald v. Hovey (110 U.S. 619, 628 (1884)).

United States v. Ryder (110 U.S. 729, 740 (1884)).

United States v. Sisco (262 U.S. 165, 168 (1923)).

Fourco Glass Co. v. Transmirra Products Corp. (353 U.S. 222, 227 (1957)).

Walsh v. Commonwealth (224 Mass. 239, 112 N.E. 486, 487 (1916)).

State ex rel. Rankin v. Wilbaur County Bank (85 Mont. 532, 281 Pac. 341, 344 (1929)).

In re Sullivan's Estate (38 Ariz. 387, 300 Pac. 193, 195 (1931)).

Sigal v. Wise (114 Conn. 297, 158 Atl. 891, 894 (1932)).

Martin v. Dyer-Kane Co. (113 N.J. Eq. 88, 166 Atl. 227, 229 (1933)).

Norfolk & Portsmouth Bar Ass'n. v. Drewry (161 Va. 833, 172 S.E. 282, 285 (1934)).

Sutherland, *Statutory Construction* (3d ed., Horack, 1943), secs. 3709, 3710.

Tables.—Tables are provided to show the disposition made of the statutes affected by this recodification.

EXPLANATION OF REVISED TITLE 5

Section 1 of the bill enacts as title 5 of the United States Code the general and permanent personnel statutes of the United States, except as previously noted.

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

PART	Sec.
I. THE AGENCIES GENERALLY.....	101
II. THE UNITED STATES CIVIL SERVICE COMMISSION.....	1101
III. EMPLOYEES.....	2101

PART I—THE AGENCIES GENERALLY

CHAPTER	Sec.
1. ORGANIZATION.....	101
3. POWERS.....	301
5. ADMINISTRATIVE PROCEDURE.....	501
7. JUDICIAL REVIEW.....	701

CHAPTER 1—ORGANIZATION

Sec.
101. Executive departments.
102. Military departments.
103. Government corporation.
104. Independent establishment.
105. Executive agency.

SECTION 101

Derivation: United States Code
5 U.S.C. 1

Revised Statutes and Statutes at Large
R.S. § 158.
Feb. 9, 1889, ch. 122, § 1 (38th through
54th words), 25 Stat. 659.
Feb. 14, 1903, ch. 552, § 1 (83d through
99th words), 32 Stat. 825.
Mar. 4, 1913, ch. 141, § 1 (75th through
91st words), 37 Stat. 736.
Aug. 10, 1949, ch. 412, § 4 "Sec.
201(c)", 63 Stat. 579.
July 31, 1956, ch. 802, § 1(a), 70 Stat.
732.
R.S. § 159.

5 U.S.C. 2

The reference in former section 1 to the application of the provisions of this title, referring to title IV of the Revised Statutes, is omitted as unnecessary as the application of those provisions is stated in the text.

The statement in former section 2 that the use of the word "department" means one of the Executive departments named in former section 1 is omitted as unnecessary as the words "Executive department" are used in this title when Executive department is meant.

"The Department of Commerce" is substituted for "The Department of Commerce and Labor" on authority of the Act of March 4, 1913, ch. 141, § 1, 37 Stat. 736.

SECTION 102

The section is supplied to avoid the necessity for defining "military departments" each time it is used in this title. See section 101(7) of title 10.

SECTION 103

The section is supplied to avoid the necessity for defining "Government corporation" and "Government controlled corporation" each time it is used in this title.

SECTION 104

The section is supplied to avoid the necessity for defining "independent establishment" each time it is used in this title.

Agencies such as the Federal Housing Administration and the Public Housing Administration are not independent establishments under the definition, since they are constituent agencies or parts of an independent establishment (in the case of Federal Housing Administration and Public Housing Administration, the Housing and Home Finance Agency). However, these agencies would continue to be subject to the provisions of this title applicable to the independent establishment of which they are a constituent or part. Also, the definition does not expand or abridge any rights or authority possessed by these agencies as no substantive changes are intended, see section 7(a) of the bill.

SECTION 105

The section is supplied to avoid the necessity for defining "Executive agency" each time it is used in this title.

CHAPTER 3—POWERS

Sec.

- 301. Departmental regulations.
- 302. Delegation of authority.
- 303. Oaths to witnesses.
- 304. Subpenas.
- 305. Systematic agency review of operations.

SECTION 301

Derivation: United States Code
5 U.S.C. 22

Revised Statutes and Statutes at Large
R.S. § 161.
Aug. 12, 1958, Pub. L. 85-619, 72 Stat.
547.

The words "Executive department" are substituted for "department" as the definition of "department" applicable to this section is coextensive with the definition of "Executive department" in section 101. The words "not inconsistent with law" are omitted as surplusage as a regulation which is inconsistent with law is invalid.

The words "or military department" are inserted to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of

the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive Department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this section, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which provided:

“All laws, orders, regulations, and other actions relating to the National Military Establishment, the Departments of the Army, the Navy, or the Air Force, or to any officer or activity of such establishment or such departments, shall, except to the extent inconsistent with the provisions of this Act, have the same effect as if this Act had not been enacted; but, after the effective date of this Act, any such law, order, regulation, or other action which vested functions in or otherwise related to any officer, department, or establishment, shall be deemed to have vested such function in or relate to the officer or department, executive or military, succeeding the officer, department, or establishment in which such function was vested. For purposes of this subsection the Department of Defense shall be deemed the department succeeding the National Military Establishment, and the military departments of Army, Navy, and Air Force shall be deemed the departments succeeding the Executive Departments of Army, Navy, and Air Force.”

This section was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, § 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579 (former 5 U.S.C. 171-1), which provides “Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense” is omitted from this title but is not repealed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 302

Derivation: United States Code
5 U.S.C. 22a

Revised Statutes and Statutes at Large
Aug. 2, 1946, ch. 744, § 12, 60 Stat. 809.

Clause (2) of former section 22a is omitted because of the repeal of R.S. § 3683 (31 U.S.C. 675) by the Act of Sept. 12, 1950, ch. 946, § 301(76), 64 Stat. 843.

The word “agency” is substituted for “department” and defined to conform to the definition of “department” in section 18 of the Act of Aug. 2, 1946, ch. 744, 60 Stat. 811.

In subsection (b), the words “In addition to the authority to delegate conferred by other law,” are added for clarity and in recognition of the various reorganization plans which generally have transferred all functions of the departments and agencies to the heads thereof and have authorized them to delegate the functions to subordinates.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 303

Derivation: United States Code
5 U.S.C. 93

Revised Statutes and Statutes at Large
R.S. § 183.
Mar. 2, 1901, ch. 809, § 3, 31 Stat. 951.
Feb. 13, 1911, ch. 43, 36 Stat. 898.

The word "employee" is substituted for "officer or clerk" in view of the definition in section 2105. The words "Executive department" are substituted for "departments" as the definition of "department" applicable to this section is coextensive with the definition of "Executive department" in section 101. So much as related to the Armed Forces is omitted as superseded by section 636 of title 14 and section 936(b) of title 10.

This section was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, § 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579 (former 5 U.S.C. 171-1), which provides "Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense" is omitted from this title but is not repealed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 304

Derivation: United States Code
(a) 5 U.S.C. 94
(b) 5 U.S.C. 96

Revised Statutes and Statutes at Large
R.S. § 184.
R.S. § 186.

In subsection (a), the words "Executive department" are substituted for "department" as the definition of "department" applicable to this section is coextensive with the definition of "Executive department" in section 101. The word "thereof" is added to reflect the proper relationship between "department" and "bureau" as reflected in title IV of the Revised Statutes of 1878. The words "in any State, District, or Territory" are omitted as unnecessary. The word "individual" is substituted for "officer" as the definition of "officer" in section 2104 is narrower than the word "officer" in R.S. § 184 which word includes "officers" as defined in section 2104 as well as notaries public who are not "officers" under section 2104, but are "officers" as that word is used in R.S. § 184.

In subsection (a), the words "or military department" are inserted to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive Department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this section, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser's note for section 301.

This section was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, § 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579 (former 5 U.S.C. 171-1), which provides "Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense" is omitted from this title but is not repealed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 305

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 1085	Oct. 28, 1949, ch. 782, § 205, 63 Stat. 957.
(b), (c)	5 U.S.C. 1151	Oct. 28, 1949, ch. 782, § 1001, 63 Stat. 971.

Subsection (a) is based in part on former sections 1081 and 1082, which are carried into section 5102.

In subsection (a)(1), the exception of "a Government controlled corporation" is added to preserve the application of this section to "corporations wholly owned by the United States". This is necessary as the defined term "Executive agency" includes the defined term "Government corporation" and the latter includes both Government owned and controlled corporations. Thus the exclusion of Government controlled corporations, which are distinct from wholly owned corporations, operates to preserve the application of this section to wholly owned corporations. The exception for the Inland Waterways Corporation in former section 1082(13) is omitted on authority of the Act of July 19, 1963, Pub. L. 88-67, 77 Stat. 81. The exceptions for Production Credit Corporations and Federal Intermediate Credit Banks in former section 1082 (18) and (19) are omitted as they are no longer "corporations wholly owned by the United States". Under the Farm Credit Act of 1956, 70 Stat. 659, the Production Credit Corporations were merged in the Federal Intermediate Credit Banks, and pursuant to that Act the Federal Intermediate Credit Banks have ceased to be corporations wholly owned by the United States.

In subsection (a)(7), the words "Panama Canal Company" are substituted for "Panama Railroad Company" on authority of the Act of Sept. 26, 1950, ch. 1049, § 2(a)(2), 64 Stat. 1038.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

CHAPTER 5—ADMINISTRATIVE PROCEDURE

SUBCHAPTER I—GENERAL PROVISIONS

Sec.

501. Advertising practice; restrictions.

502. Administrative practice; Reserves and National Guardsmen.

503. Witness fees and allowances.

SUBCHAPTER II—ADMINISTRATIVE PROCEDURE

Sec.

- 551. Definitions.
- 552. Publication of information, rules, opinions, orders, and public records.
- 553. Rule making.
- 554. Adjudications.
- 555. Ancillary matters.
- 556. Hearings; presiding employees; powers and duties; burden of proof; evidence; record as basis of decision.
- 557. Initial decisions; conclusiveness; review by agency; submissions by parties; contents of decisions; record.
- 558. Imposition of sanctions; determination of applications for licenses; suspension, revocation, and expiration of licenses.
- 559. Effect on other laws; effect of subsequent statute.

SUBCHAPTER III—ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Sec.

- 571. Purpose.
- 572. Definitions.
- 573. Administrative Conference of the United States.
- 574. Powers and duties of the Conference.
- 575. Organization of the Conference.
- 576. Appropriations.

SECTION 501

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 101	Apr. 27, 1916, ch. 89, § 1, 39 Stat. 54.

The words "may not" are substituted for "It shall be unlawful for". The words "agency of the United States" are substituted for "any department or office of the Government". The words "an individual in the service of the United States" are substituted for "officer of the Government" in view of the definitions in sections 2104 and 2105.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 502

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 30r(c) (2d sentence)	Aug. 10, 1956, ch. 1041, § 29(c) (2d sentence), 70A Stat. 632.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 503

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 95	R.S. § 185.
	5 U.S.C. 95a	Aug. 2, 1946, ch. 744, § 10, 60 Stat. 809.

Former sections 95 and 95a are combined and restated for clarity and brevity. The words "or expenses in the case of Government officers and employees" are omitted as covered by section 1823 of title 28. The word "agency" is substituted for "department" and defined to conform to the definition of "department" in section 18 of the Act of Aug. 2, 1946, ch. 744. 60 Stat. 811.

This section was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, § 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579 (former 5 U.S.C. 171-1), which provides

"Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense" is omitted from this title but is not repealed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 551

Derivation:	United States Code	Revised Statutes and Statutes at Large
(1)	5 U.S.C. 1001(a)	June 11, 1946, ch. 324, § 2(a), 60 Stat. 237. Aug. 8, 1946, ch. 870, § 302, 60 Stat. 918. Aug. 10, 1946, ch. 951, § 601, 60 Stat. 993. Mar. 31, 1947, ch. 30, § 6(a), 61 Stat. 37. June 30, 1947, ch. 163, § 210, 61 Stat. 201. Mar. 30, 1948, ch. 161, § 301, 62 Stat. 99.
(2)-(13)	5 U.S.C. 1001 (less (a))	June 11, 1946, ch. 324, § 2 (less (a)), 60 Stat. 237.

In paragraph (1), the sentence "Nothing in this Act shall be construed to repeal delegations of authority as provided by law." is omitted as surplusage since there is nothing in the Act which could reasonably be so construed.

In paragraph (1)(G), the words "or naval" are omitted as included in "military".

In paragraph (1)(H), the words "functions which by law expire on the termination of present hostilities, within any fixed period thereafter, or before July 1, 1947" are omitted as executed. Reference to the "Selective Training and Service Act of 1940" is omitted as that Act expired Mar. 31, 1947. Reference to the "Sugar Control Extension Act of 1947" is omitted as that Act expired on Mar. 31, 1948. References to the "Housing and Rent Act of 1947, as amended" and the "Veterans' Emergency Housing Act of 1946" have been consolidated as they are related. The reference to section 1641(b)(2) of title 50A is retained notwithstanding its repeal by § 111(a)(1) of the Act of Sept. 21, 1961, Pub. L. 87-256, 75 Stat. 538, since § 111(c) of the Act provides that a reference in other Acts to a provision of law repealed by § 111(a) shall be considered to be a reference to the appropriate provisions of Pub. L. 87-256.

In paragraph (2), the words "of any character" are omitted as surplusage.

In paragraph (3), the words "and a person or agency admitted by an agency as a party for limited purposes" are substituted for "but nothing herein shall be construed to prevent an agency from admitting any person or agency as a party for limited purposes".

In paragraph (9), a comma is supplied between the words "limitation" and "amendment" to correct an editorial error of omission.

In paragraph (10)(C), the words "of any form" are omitted as surplusage.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 552

Derivation: United States Code
5 U.S.C. 1002

Revised Statutes and Statutes at Large
June 11, 1946, ch. 324, § 3, 60 Stat. 238.

In subsection (b)(3), the words "formulated and" are omitted as surplusage. In the last sentence of subsection (b), the words "in any manner" are omitted as surplusage since the prohibition is all inclusive.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 553

Derivation: United States Code
5 U.S.C. 1003

Revised Statutes and Statutes at Large
June 11, 1946, ch. 324, § 4, 60 Stat. 238.

In subsection (a)(1), the words "or naval" are omitted as included in "military".

In subsection (b), the word "when" is substituted for "in any situation in which".

In subsection (c), the words "for oral presentation" are substituted for "to present the same orally in any manner". The words "sections 556 and 557 of this title apply instead of this subsection" are substituted for "the requirements of sections 1006 and 1007 of this title shall apply in place of the provisions of this subsection".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 554

Derivation: United States Code
5 U.S.C. 1004

Revised Statutes and Statutes at Large
June 11, 1946, ch. 324, § 5, 60 Stat. 239.

In subsection (a)(2), the word "employee" is substituted for "officer or employee of the United States" in view of the definition of "employee" in section 2105.

In subsection (a)(4), the word "naval" is omitted as included in "military".

In subsection (a)(5), the word "or" is substituted for "and" since the exception is applicable if any one of the factors are involved.

In subsection (a)(6), the word "worker" is substituted for "employee", since the latter is defined in section 2105 as meaning Federal employees.

In subsection (b), the word "When" is substituted for "In instances in which".

In subsection (c)(2), the comma after the word "hearing" is omitted to correct an editorial error.

In subsection (d), the words "the hearing examiner" are substituted in the first two sentences for "same officers" and "such officers" in view of the exception contained in paragraph (C) of the last sentence. The word "officer" is omitted in the third and fourth sentences as included in "employee" as defined in section 2105. The prohibition in the third and fourth sentences is restated in positive form. In paragraph (C) of the last sentence, the words "in any manner" are omitted as surplusage.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 555

Derivation: United States Code
5 U.S.C. 1005

Revised Statutes and Statutes at Large
June 11, 1946, ch. 324, § 6, 60 Stat. 240.

In subsection (b), the words "is entitled" are substituted for "shall be accorded the right". The word "officers" is omitted as included in "employees" in view of the definition of "employee" in section 2105. The words "With due regard for the convenience and necessity of the parties or their representatives and within a reasonable time" are substituted for "with reasonable dispatch" and "except that due regard shall be had for the convenience and necessity of the parties or their representatives". The prohibition in the last sentence is restated in positive form and the words "This subsection does not" are substituted for "Nothing herein shall be construed either to".

In subsection (c), the words "in any manner or for any purpose" are omitted as surplusage.

In subsection (e), the word "brief" is substituted for "simple". The words "of the grounds for denial" are substituted for "of procedural or other grounds" for clarity.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 556

Derivation: United States Code
5 U.S.C. 1006

Revised Statutes and Statutes at Large
June 11, 1946, ch. 324, § 7, 60 Stat. 241.

In subsection (b), the words "hearing examiners" are substituted for "examiners" in paragraph (3) for clarity. The prohibition in the second sentence is restated in positive form and the words "This subchapter does not" are substituted for "but nothing in this chapter shall be deemed to". The words "employee" and "employees" are substituted for "officer" and "officers" in view of the definition of "employee" in section 2105. The sentence "A presiding or participating employee may at any time disqualify himself." is substituted for the words "Any such officer may at any time withdraw if he deems himself disqualified."

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 557

Derivation: United States Code
5 U.S.C. 1007

Revised Statutes and Statutes at Large
June 11, 1946, ch. 324, § 8, 60 Stat. 242.

In subsection (b), the word "employee" is substituted for "officer" and "officers" in view of the definition of "employee" in section 2105. The word "either" is added after the word "requires" in the first sentence to eliminate the need for parentheses. The words "the presiding employee or an employee qualified to preside at hearings under section 556 of this title" are substituted for "such officers" in the last sentence. The word "initial" is omitted before "decision", the final word in the first sentence and the sixth word of the fourth sentence, to avoid confusion between the "initial decision" of the presiding employee and the "initial decision" of the agency.

In subsection (c), the word "employees" is substituted for "officers" in view of the definition of "employee" in section 2105.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 558

Derivation: United States Code
5 U.S.C. 1008

Revised Statutes and Statutes at Large
June 11, 1946, ch. 324, § 9, 60 Stat. 242.

In subsection (b), the prohibition is restated in positive form.

In subsection (c), the words "within a reasonable time" are substituted for "with reasonable dispatch". The last two sentences are restated for conciseness and clarity and to restate the prohibition in positive form.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 559

Derivation: United States Code
5 U.S.C. 1011

Revised Statutes and Statutes at Large
June 11, 1946, ch. 324, § 12, 60 Stat. 244.

In the first and last sentences, the words "This subchapter, chapter 7, and sections 1305, 3105, 3344, 4301(2)(E), 5362, and 7521, and the provisions of section 5335(a)(B) of this title that relate to hearing examiners" are substituted for "this Act" to reflect the codification of the Act in this title. The words "to diminish the constitutional rights of any person or" are omitted as surplusage as there is nothing in the Act that can reasonably be construed to diminish those rights and because a statute may not operate in derogation of the Constitution.

The third sentence of former section 1011 is omitted as covered by technical section 7. The sixth sentence of former section 1011 is omitted as executed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 571

Derivation: United States Code
5 U.S.C. 1045(e)

Revised Statutes and Statutes at Large
Aug. 30, 1964, Pub. L. 88-499, § 2(e),
78 Stat. 615.

The words "this subchapter" are substituted for "this Act" to reflect the codification of the Administrative Conference Act in this subchapter.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 572

Derivation: United States Code
5 U.S.C. 1045a

Revised Statutes and Statutes at Large
Aug. 30, 1964, Pub. L. 88-499, § 3,
78 Stat. 615.

In paragraph (1), the words "subchapter II of this chapter" are substituted for "the Administrative Procedure Act (5 U.S.C. 1001-1011)" to reflect the codification of the Act in this title. The word "naval" is omitted as included in "military".

In paragraph (2), the words "section 551(1) of this title" are substituted for "section 2(a) of the Administrative Procedure Act (5 U.S.C. 1001(a))".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 573

Derivation: United States Code
5 U.S.C. 1045b

Revised Statutes and Statutes at Large
Aug. 30, 1964, Pub. L. 88-499, § 4,
78 Stat. 616.

In subsection (a), the words "There is hereby established" are omitted as executed. The words "hereinafter referred to as the 'Conference'" are omitted as unnecessary as the title "Administrative Conference of the United States" is fully set out the first time it is used in each section of this chapter.

In subsection (b)(4), the words "referred to in section 575(b) of this title" are inserted for clarity.

In subsection (c), the words "by section 5703 of this title" are substituted for "by law (5 U.S.C. 73b-2)" to reflect the codification of that section in title 5.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 574

Derivation: United States Code
5 U.S.C. 1045c.

Revised Statutes and Statutes at Large
Aug. 30, 1964, Pub. L. 88-499, § 5,
78 Stat. 616.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 575

Derivation: United States Code
5 U.S.C. 1045d

Revised Statutes and Statutes at Large
Aug. 30, 1964, Pub. L. 88-499, § 6,
78 Stat. 617.

In subsection (b), the words "except that the Council members initially appointed shall serve for one, two, or three years, as designated by the President" are omitted as executed, existing rights being preserved by technical section 8.

In subsection (b)(1), the words "the sessions" are substituted for "such meetings" for clarity as elsewhere the word "sessions" refers to sessions of the Conference and "meetings" refers to meetings of the Council.

In subsection (c)(7), the words "subject to the civil service and classification laws" are omitted as unnecessary inasmuch as appointments in the executive branch are made subject to the civil service laws and pay is fixed under classification laws unless specifically excepted. The words "and fix the pay of" are added for clarity.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 576

Derivation: United States Code
5 U.S.C. 1045e

Revised Statutes and Statutes at Large
Aug. 30, 1964, Pub. L. 88-499, § 7,
78 Stat. 618.

The word "hereby" is omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

CHAPTER 7—JUDICIAL REVIEW

Sec.

- 701. Application; definitions.
- 702. Right of review.
- 703. Form and venue of proceeding.
- 704. Actions reviewable.
- 705. Relief pending review.
- 706. Scope of review.

SECTION 701

Derivation: United States Code
(a) 5 U.S.C. 1009 (intro-
ductory clause)

Revised Statutes and Statutes at Large
June 11, 1946, ch. 324, § 10 (introductory clause), 60 Stat. 243.

In subsection (a), the words "This chapter applies, according to the provisions thereof," are added to avoid the necessity of repeating the introductory clause of former section 1009 in sections 702-706.

Subsection (b) is added on authority of section 2 of the Act of June 11, 1946, ch. 324, 60 Stat. 237, as amended, which is carried into section 551 of this title.

In subsection (b)(1)(G), the words "or naval" are omitted as included in "military".

In subsection (b)(1)(H), the words "functions which by law expire on the termination of present hostilities, within any fixed period thereafter, or before July 1, 1947" are omitted as executed. Reference to the "Selective Training and Service Act of 1940" is omitted as that Act expired on Mar. 31, 1947. Reference to the "Sugar Control Extension Act of 1947" is omitted as that Act expired on Mar. 31, 1948. References to the "Housing and Rent Act of 1947, as amended" and the "Veterans' Emergency Housing Act of 1946" have been consolidated as they are related. The reference to section 1641(b)(2) of title 50A is retained notwithstanding its repeal by § 111(a)(1) of the Act of Sept. 21, 1961, Pub. L. 87-256, 75 Stat. 538, since § 111(c) of the Act provides that a reference in other Acts to a provision of law repealed by § 111(a) shall be considered to be a reference to the appropriate provisions of Pub. L. 87-256.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 702

Derivation: United States Code
5 U.S.C. 1009(a)

Revised Statutes and Statutes at Large
June 11, 1946, ch. 324, § 10(a), 60 Stat.
243.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 703

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1009(b)	June 11, 1946, ch. 324, § 10(b), 60 Stat. 243.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 704

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1009(c)	June 11, 1946, ch. 324, § 10(c), 60 Stat. 243.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 705

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1009(d)	June 11, 1946, ch. 324, § 10(d), 60 Stat. 243.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 706

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1009(e)	June 11, 1946, ch. 324, § 10(e), 60 Stat. 243.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

PART II—THE UNITED STATES CIVIL SERVICE COMMISSION

CHAPTER	Sec.
11. ORGANIZATION-----	1101
13. SPECIAL AUTHORITY-----	1301
15. POLITICAL ACTIVITY OF CERTAIN STATE AND LOCAL EMPLOYEES---	1501

CHAPTER 11—ORGANIZATION

Sec.
1101. Appointment of Commissioners.
1102. Term of office; filling vacancies; removal.
1103. Chairman; Vice Chairman; Executive Director.
1104. Functions of Chairman.
1105. Boards of examiners.

SECTION 1101

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 632 (1st par.)	Jan. 16, 1883, ch. 27, § 1 (1st par.), 22 Stat. 403.

The words "official place under the United States" are changed to "another office or position in the Government of the United States" to conform to the present legislative use of "office" and "position".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 1102

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 632 (2d-4th pars.)	Jan. 16, 1883, ch. 27, § 1 (2d, 3d pars.), 22 Stat. 403.
		July 31, 1956, ch. 804, § 201(a), 70 Stat. 742.

In subsection (a), the second sentence is substituted for original language concerning designation of Commissioners to serve six, four, and two years, respectively, as that provision is executed.

The section is reorganized to place the statutes relating to vacancies together, and redundancies are eliminated. Provisions relating to pay and travel expenses of Commissioners are omitted as superseded by the Act of Aug. 14, 1964, Pub. L. 88-426, § 303(c)(18), (d)(66), 78 Stat. 417, 419, and Act of June 9, 1949, ch. 185, 63 Stat. 166, respectively, which are carried into this title.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 1103

Derivation:	United States Code	Revised Statutes and Statutes at Large
	[Uncodified]	1949 Reorg. Plan No. 5, §§ 1, 2(a) (35th through 46th words), 3, eff. Aug. 20, 1949, 63 Stat. 1067, 1069.
	5 U.S.C. 632 (5th par.)	July 31, 1956, ch. 804, § 201(b), 70 Stat. 742.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 1104

Derivation:	United States Code	Revised Statutes and Statutes at Large
	[Uncodified]	1949 Reorg. Plan No. 5, § 2(a) (less 35th through 46th words), (b), eff. Aug. 20, 1949, 63 Stat. 1067.
	5 U.S.C. 3013(a) (1st sentence, less 10th through 24th words)	Sept. 28, 1959, Pub. L. 86-382, § 14(a) (1st sentence, less 10th through 24th words), 73 Stat. 716.

In the first sentence, the word "officers" is omitted as included in "employees".

Subsection (a)(1) is added on authority of the words "to secure accuracy, uniformity, and justice in all their proceedings" in the first sentence of former section 635, which is carried into section 1105. The function in this paragraph was transferred from the chief examiner to the Chairman of the United States Civil Service Commission by 1949 Reorg. Plan No. 5, § 2(a)(2).

In subsection (b)(2), the word "prescription" is substituted for "promulgation" and the words "now vested in the Commission" are omitted as surplusage.

In subsection (b)(4), the words "as is now authorized to be taken by the Commission" are omitted as surplusage.

In subsection (b)(5), the words "civil service" are substituted for "Federal service".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 1105

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 635 (less last 24 words of 6th sentence, and less 7th sentence)	Jan. 16, 1883, ch. 27, § 3 (less last 24 words of 6th sentence, and less 7th sentence), 22 Stat. 404.
	[Uncodified]	1949 Reorg. Plan No. 5, § 4, eff. Aug. 19, 1949, 63 Stat. 1069.

In subsection (a), the words "the District of Columbia" are substituted for "Washington". The words "at least three individuals in the service of the United States" are substituted for "a suitable number of persons, not less than three, in the official service of the United States". So much of the first three sentences of former section 635 as related to the offices of the Chief Examiner and the Secretary are omitted because the offices were abolished by 1949 Reorg. Plan No. 5, § 4. So much of the first sentence as imposed a duty on the Chief Examiner, under the Commission's direction, to act with the examining boards to secure accuracy, uniformity, and justice in all their proceedings is restated in section 1104(a)(1). The fourth sentence of former section 635, authorizing the Commission to employ a stenographer and a messenger, is omitted as obsolete. The remainder is rewritten for clarity. The text of 1949 Reorg. Plan No. 5, § 4, is omitted as executed.

In subsection (b), the words "Chairman, United States Civil Service Commission" are substituted for "chief examiner" on authority of 1949 Reorg. Plan No. 5, § 2(a)(2). The words "at all times" are omitted as surplusage.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

CHAPTER 13—SPECIAL AUTHORITY

Sec.

- 1301. Rules.
- 1302. Regulations.
- 1303. Investigations; reports.
- 1304. Loyalty investigations; reports; revolving fund.
- 1305. Hearing examiners.
- 1306. Oaths to witnesses.
- 1307. Minutes.
- 1308. Annual reports.

SECTION 1301

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 633(1) (function of Civil Service Commission)	Jan. 16, 1883, ch. 27, § 2(1) (function of Civil Service Commission), 22 Stat. 403.

The authority of the President to prescribe rules is carried into sections 2951, 3302, 3304(a), 3306(a), 3321, 7152, 7153, 7321, and 7322 of this title.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 1302

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 633(2)7 (last 17 words), (3) (less last 10 words)	Jan. 16, 1883, ch. 27, §§ 2(2)7 (last 17 words), (3) (less last 10 words), 22 Stat. 404.
(b)	5 U.S.C. 851 (1st 76 words), 868 (less proviso)	June 27, 1944, ch. 287, §§ 2 (1st 76 words), 19, 58 Stat. 387, 391.
(c)	5 U.S.C. 851 (1st 76 words), 860	June 27, 1944, ch. 287, §§ 2 (1st 76 words), 11, 58 Stat. 387, 390.
(d)	5 U.S.C. 118k(d) (1st sentence)	July 19, 1940, ch. 640 § 4 "Sec. 12(d) (1st sentence)", 54 Stat. 769.

Subsection (a) is based on former section 633(3) (less last 10 words). The regulation-making power conferred by that section covers the power conferred by former section 633(2)7 (last 17 words) which is, therefore, omitted. The requirement of notice is preserved in section 3304. The words "through its members or the examiners" are omitted as unnecessary in view of section 1104. The authority of the President to prescribe rules, based on former section 633(1) is carried into sections 2951, 3302, 3304(a), 3306(a), 3321, 7152, 7153, 7321, and 7322 of this title.

In subsections (b)–(d), the word "rules" is omitted as included in "regulations".

The provisions of the Veterans' Preference Act of 1944 (former sections 851–869) to which the regulation-making authority of subsections (b) and (c) apply are carried into sections 2108, 3305(b), 3306(a)(2), 3308–3320, 3351, 3363, 3364, and 7701, subchapter I of chapter 35, and subchapter II of chapter 75 of this title. The first 76 words of former section 851 are added here to preserve the general statement of policy in the light of which the substantive provisions that formerly comprised the Veterans' Preference Act of 1944 are to be interpreted. See *Elder v. Brannan*, 241 U.S. 277, 286. In subsection (b), the words "in the competitive service in Executive agencies, permanent or temporary, and in the government of the District of Columbia", and in subsection (c) the words "in the excepted service in Executive agencies, permanent or temporary, and in the government of the District of Columbia" are coextensive with and substituted for "in civilian positions in all establishments, agencies, bureaus, administrations, projects, and departments of the Government, permanent or temporary, and in either (a) the classified civil service; (b) the unclassified civil service; (c) any temporary or emergency establishment, agency, bureau, administration, project, and department created by Acts of Congress or Presidential Executive order", in view of the exclusion of positions in the legislative and judicial branches by former section 869.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 1303

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 633(4)	Jan. 16, 1883, ch. 27, § 2(4), 22 Stat. 404.

The authority of the President to prescribe rules is carried into sections 2951, 3302, 3304(a), 3306(a), 3321, 7152, 7153, 7321, and 7322 of this title.

In paragraph (2), the words "in respect to the execution of this act" are changed to "concerning the execution of the provisions of this title that relate to the administration of the competitive service" to avoid having to refer in the text to the sections of this title into which the Civil Service Act, the act referred to, is codified. These sections are: 1101, 1102, 1105, 1302(a), 1303, 1307, 1308(a)(1), 2102, 2951, 3302, 3303, 3304 (a), (d), 3305(a), 3306, 3318(a), 3319(a), 3321, 7152, 7153, 7321, 7322, and 7352. The words "the provisions of this title that relate to the administration of the competitive service" will include some of the sections derived from the Veterans' Preference Act of 1944 (former sections 851-869). They are based in part on former section 860 (codified in § 1302(c)). The authorization in that section to make and enforce regulations for the competitive service would include the authority to investigate and report. The words "and other employees" are substituted for "and its own subordinates, and those in the public service" in view of the definition of "employee" in section 2105.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 1304

Derivation:	United States Code	Revised Statutes and Statutes at Large
(b)-(d)	5 U.S.C. 655	Apr. 5, 1952, ch. 159, § 1 (provisos), 66 Stat. 44.
(e)	5 U.S.C. 657	July 31, 1953, ch. 283, § 9, 67 Stat. 241. June 5, 1952, ch. 369, § 701 (par. under "Civil Service Commission"), 66 Stat. 107.
(f)	[Uncodified]	Apr. 5, 1952, ch. 159, § 4, 66 Stat. 44.
(g)	5 U.S.C. 656	Apr. 5, 1952, ch. 159, § 3, 66 Stat. 44.

Subsection (a) is based on section 1 of the Act of April 5, 1952, as amended, and is added for clarity. In subsection (a), the reference to section 10(b)(5) (B)(i) and (B) (ii) of the Act of August 1, 1946 (60 Stat. 766) is omitted because of the amendment of the Act of April 5, 1952, by the Act of July 31, 1953, ch. 283, 67 Stat. 240, and the reenactment of the provisions of the Act of April 5, 1952, insofar as they relate to the Atomic Energy Commission as section 145 of the Atomic Energy Act of 1954 (68 Stat. 942; 42 U.S.C. 2165). The references to section 1(2) of the Act of May 22, 1947 (61 Stat. 125), section 1 of the joint resolution of May 21, 1947 (61 Stat. 125), and section 110(c) of the Act of April 3, 1948 (62 Stat. 137) are omitted as these Acts were repealed by the Act of Aug. 26, 1954, ch. 937, § 542(a) (1), (2), and (4), 68 Stat. 861. Reference to section 510 of the Mutual Security Act of 1951 (65 Stat. 381) is omitted because this section was replaced by section 531 of the Mutual Security Act of 1954 (68 Stat. 859) and the latter was repealed by the Act of Sept. 4, 1961, Pub. L. 87-195, § 642(2), 75 Stat. 460.

In subsection (d), the references to section 10(b)(5)(B) (i) and (ii) of the Atomic Energy Act of 1946, section 510 of the Mutual Security Act of 1951, a majority of the members of the Atomic Energy Commission, and the Director of Mutual Security (which was changed to Director of the International Cooperation Administration on authority of section 8 of 1953 Reorg. Plan No. 7, 67 Stat. 641, and Executive

Order 10610 of May 9, 1955) are omitted because of the disposition of the two sections as explained with reference to subsection (a).

In subsection (e), the words "There is established" are omitted as executed.

In subsection (g), the reference to statutes other than this section is omitted because nothing in those statutes affect the responsibility in question.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 1305

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1010 (5th sentence)	June 11, 1946, ch. 324, § 11 (5th sentence), 60 Stat. 244.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 1306

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 634	Aug. 23, 1912, ch. 350, § 1 (last par. under "Civil Service Commission"), 37 Stat. 372.
	[Uncodified]	1949 Reorg. Plan No. 5, § 2(c), eff. Aug. 19, 1949, 63 Stat. 1069.

The section is rewritten to reflect expansion of authority of the Commission to include its Chairman under section 2(c) of 1949 Reorg. Plan No. 5.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 1307

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 633(3) (last 10 words)	Jan. 16, 1883, ch. 27, § 2(3) (last 10 words), 22 Stat. 404.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 1308

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)(1)	5 U.S.C. 633(5)	Jan. 16, 1883, ch. 27, § 2(5), 22 Stat. 404.
(a)(2)	5 U.S.C. 2121 (less 1st 29 words)	Sept. 1, 1954, ch. 1208, § 302 (less 1st 29 words), 68 Stat. 1112.
(a)(3)	5 U.S.C. 118i(c)	Aug. 25, 1950, ch. 784, § 1 "Sec. 9(c)", 64 Stat. 475.
(a)(4)	5 U.S.C. 2317(b)	July 7, 1958, Pub. L. 85-507, § 18(b), 72 Stat. 336.
(b)	5 U.S.C. 2317(c)	July 7, 1958, Pub. L. 85-507, § 18(c), 72 Stat. 336.
(c)	5 U.S.C. 2266(f)	July 31, 1956, ch. 804, § 401 "Sec. 16(f)", 70 Stat. 759.
(d)	5 U.S.C. 2102 (less applicability to 5 U.S.C. 2099)	Aug. 17, 1954, ch. 752, § 13 (less applicability to § 10), 68 Stat. 743.
(e)	5 U.S.C. 3011	Sept. 28, 1959, Pub. L. 86-382, § 12, 73 Stat. 716.

In subsection (a)(1), the requirement of reasons for exceptions to the civil service rules and regulations is added on authority of former section 633(2)S (last sentence), which is carried into section 3302.

In subsection (b), the words "for his approval" are omitted as unnecessary because the President has the inherent power, based on the Constitutional separation of powers, to approve or disapprove such a report.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

CHAPTER 15—POLITICAL ACTIVITY OF CERTAIN STATE AND LOCAL EMPLOYEES

Sec.

1501. Definitions.

1502. Influencing elections; taking part in political campaigns; prohibitions; exceptions.

1503. Nonpartisan political activity permitted.

1504. Investigations; notice of hearing.

1505. Hearings; adjudications; notice of determinations.

1506. Orders; withholding loans or grants; limitations.

1507. Subpenas and depositions.

1508. Judicial review.

SECTION 1501

Derivation:	United States Code	Revised Statutes and Statutes at Large
(1)	5 U.S.C. 118k-2	July 19, 1940, ch. 640, § 4 "Sec. 19", 54 Stat. 772.
(2), (3)	5 U.S.C. 118k(f)	July 19, 1940, ch. 640, § 4 "Sec. 12(f)", 54 Stat. 770.
(4)	5 U.S.C. 118k(a) (1st 41 words), (e)	July 19, 1940, ch. 640, § 4 "Sec. 12(a) (1st 41 words), (e)", 54 Stat. 767, 770.
	5 U.S.C. 118k-1 (as applicable to 5 U.S.C. 118k)	Oct. 24, 1942, ch. 620 "Sec. 21 (as applicable to § 12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, § 4, 54 Stat. 767)", 56 Stat. 986.
(5)	5 U.S.C. 118l (as applicable to 5 U.S.C. 118k)	July 19, 1940, ch. 640, § 4 "Sec. 15 (as applicable to § 12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, § 4, 54 Stat. 767)", 54 Stat. 771.

In paragraph (4)(B), the words "or by any Territory or Territorial possession of the United States" are omitted in view of the definition of "State" in paragraph (1).

In paragraph (5), the words "July 19, 1940" are substituted for "at the time this section takes effect".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 1502

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 118k(a) (less 1st 41 words)	July 19, 1940, ch. 640, § 4 "Sec. 12(a) (less 1st 41 words)", 54 Stat. 767.

In subsection (a), the term "State or local officer or employee", defined in section 1501, is substituted for the first 41 words of former section 118k(a). The words "any part of his salary or compensation" are omitted as included in "anything of value".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 1503

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 118n (as applicable to 5 U.S.C. 118k(a))	July 19, 1940, ch. 640, § 4 "Sec. 18 (as applicable to § 12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, § 4, 54 Stat. 767)", 54 Stat. 772.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 1504

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 118k(b) (1st and 2d sentences, and 4th through 17th words of 3d sentence)	July 19, 1940, ch. 640, § 4 "Sec. 12(b) (1st and 2d sentences, and 4th through 17th words of 3d sentence)", 54 Stat. 768. June 11, 1960, Pub. L. 86-507, § 1(1), 74 Stat. 200.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 1505

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 118k(b) (3d sentence, less 4th through 17th words, and 4th sentence)	July 19, 1940, ch. 640, § 4 "Sec. 12(b) (3d sentence, less 4th through 17th words, and 4th sentence)", 54 Stat. 768. June 11, 1960, Pub. L. 86-507, § 1(1), 74 Stat. 200.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 1506

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 118k(b) (less 1st 4 sentences)	July 19, 1940, ch. 640, § 4 "Sec. 12(b) (less 1st 4 sentences)", 54 Stat. 768. June 11, 1960, Pub. L. 86-507, § 1(1), 74 Stat. 200.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 1507

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 118k(d) (less 1st sentence)	July 19, 1940, ch. 640, § 4 "Sec. 12(d) (less 1st sentence)", 54 Stat. 769.

In subsection (a), the word "affirmation" is omitted as included in "oath" on authority of section 1 of title 1, United States Code. The title of the court is changed to conform to title 28.

In subsection (c), the prohibition is restated in positive form.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 1508

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 118k(c)	July 19, 1940, ch. 640, § 4 "Sec. 12(c)", 54 Stat. 768.

Sections 346 and 347 of title 28 referred to in former section 118k(c) were repealed by the Act of June 25, 1948, ch. 646, § 39, 62 Stat. 862, and are now covered by section 1254 of title 28. The titles of the courts are changed to conform to title 28.

In the reference to filing a written petition, "written" is omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

PART III—EMPLOYEES**SUBPART A—GENERAL PROVISIONS**

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Subpart A—General Provisions

CHAPTER 21—DEFINITIONS

Sec.

- 2101. Civil service; armed forces; uniformed services.
- 2102. The competitive service.
- 2103. The excepted service.
- 2104. Officer.
- 2105. Employee.
- 2106. Member of Congress.
- 2107. Congressional employee.
- 2108. Veteran; disabled veteran; preference eligible.

SECTION 2101

The section is supplied to establish basis of reference to employees in this title.

SECTION 2102

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 638 (less applicability to appointment and promotion)	Jan. 16, 1883, ch. 27, § 7 (less applicability to appointment and promotion), 22 Stat. 406.

Subsection (a) is restated in the form of a definition.

Subsection (a)(1) is based on former section 638, which placed positions in the executive branch of the Government generally in the competitive service by the requirement that employment be predicated on passing an examination or being exempted from examination, and section 1 of the Act of Nov. 26, 1940, ch. 919, title I, 54 Stat. 1211 (see table III), which authorized the President, subject to certain exceptions, to place in the classified civil service positions in the Executive departments, independent establishments, and other agencies of the Government. In that Act the word "executive" has been construed to modify "departments", "independent establishments", and "other agency". This construction is supported by the language of the Act of Jan. 16, 1883, and is embodied in Civil Service Rule I. Acting under this statute, the President has placed all but a comparatively few of the positions covered by the Act of Nov. 26, 1940, in the competitive service. The remainder are covered by the exceptions contained in the Civil Service Rules and Regulations. The authority of the President conferred by the Act of Nov. 26, 1940, has been superseded in part by exceptions created by statutes enacted after that date. The effect of these exceptions and the power conferred on the President by former section 633(2)(8) (last sentence) to make exceptions to the Civil Service Rules are preserved by the words "positions which are specifically excepted from the competitive service by or under statute".

In subsection (a)(1)(B), the words "or to pass an examination" are omitted as covered by the exclusion from the "competitive service".

Subsection (a)(2) preserves the exception stated in former section 638 modified to recognize the several statutory exceptions to this exception that have been enacted. The language of former section 638 relative to examination is codified in sections 3304(b) and 3361. The reference to veterans' preference is omitted because the statute referred to, R.S. § 1754, was superseded by sections 3 and 21 of the Act

of June 18, 1929, ch. 28, 46 Stat. 21. Section 3 of the Act of June 18, 1929, was superseded by the Act of June 27, 1944, ch. 287, 58 Stat. 387, as amended, which is carried into this title. Rights preserved by section 18 of the Act of June 27, 1944, are further preserved by technical section 8. The exception for laborers and workmen was superseded by the Act of Nov. 26, 1940.

Subsection (b) is added because of the provisions in section 3311 of title 39.

Subsection (c) is supplied for conformity inasmuch as the terms are coextensive by definition.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 2103

The section is supplied for convenience. The "excepted service" has come to mean all employees not in the competitive service, for whatever reason.

SECTION 2104

The section is supplied for convenience.

SECTION 2105

Derivation:	United States Code	Revised Statutes and Statutes at Large
(b)	[Uncodified]	Aug. 5, 1939, ch. 448, § 2, 53 Stat. 1210.
	[Uncodified]	Dec. 3, 1945, ch. 510, § 2, 59 Stat. 590.
	[Uncodified]	Dec. 28, 1945, ch. 593, § 2, 59 Stat. 660.
	[Uncodified]	Dec. 28, 1945, ch. 594, § 2, 59 Stat. 660.
	[Uncodified]	July 26, 1946, ch. 675, § 2 (last proviso), 60 Stat. 704.
(c)	5 U.S.C. 150k	June 19, 1952, ch. 444, § 1, 66 Stat. 138.
(d)	5 U.S.C. 30r(d)	Aug. 10, 1956, ch. 1041, § 29(d), 70A Stat. 632.

Subsection (a) is supplied to avoid the necessity of defining "employee" each time it appears in this title. The subsection is based on a definition worked out independently by the Civil Service Commission and the Department of Labor and in use by both for more than a decade.

In subsection (b), the provisions of the source statutes which relate to credit for prior service and diminution of pay are executed, or, insofar as to be executed, preserved by technical section 8.

In subsection (d), the words "officer or" are omitted as included within "employee".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 2106

The section is supplied to avoid the necessity of defining "Member of Congress" each time the term is used in this title.

SECTION 2107

The section is supplied to avoid the necessity of defining "Congressional employee" each time the term is used in this title.

SECTION 2108

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 851 (less 1st 76 words)	June 27, 1944, ch. 287, § 2 (less 1st 76 words), 58 Stat. 387. Jan. 19, 1948, ch. 1, § 1, 62 Stat. 3. July 2, 1948, ch. 816, 62 Stat. 1233. Aug. 26, 1949, ch. 513, 63 Stat. 666. Dec. 27, 1950, ch. 1151, § 1, 64 Stat. 1117. July 14, 1952, ch. 728, § 1, 66 Stat. 626.

In paragraph (2), the words "a military department" are substituted for "the War Department or Navy Department" (appearing in section 2 of the Act of June 27, 1944) because of the definition of "military department" in section 102. The Department of War was designated the Department of the Army by the Act of July 26, 1947, ch. 343, § 205, 61 Stat. 501. "Department of the Air Force" is included on authority of the Act of July 26, 1947, ch. 343, § 207 (a), (f), 61 Stat. 502.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

CHAPTER 29—COMMISSIONS, OATHS, RECORDS, AND REPORTS

SUBCHAPTER I—COMMISSIONS, OATHS, AND RECORDS

Sec.

- 2901. Commission of an officer.
- 2902. Commission; where recorded.
- 2903. Oath; authority to administer.
- 2904. Oath; administered without fees.
- 2905. Oath; renewal.
- 2906. Oath; custody.

SUBCHAPTER II—REPORTS

Sec.

- 2951. Reports to the Civil Service Commission.
- 2952. Time of making annual reports.
- 2953. Reports to Congress on additional employee requirements.
- 2954. Information to committees of Congress on request.

SECTION 2901

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 10	R.S. § 1773.

The words "confirmed by" are substituted for "advised and consented to".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 2902

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	4 U.S.C. 42 (as applicable to civil commissions)	[None]
(b)	5 U.S.C. 11	Mar. 3, 1875, ch. 131, § 14, 18 Stat. 420. Mar. 28, 1896, ch. 73, 29 Stat. 75. Mar. 3, 1905, ch. 1422, 33 Stat. 990.
(c)	5 U.S.C. 12	Aug. 8, 1888, ch. 786, 25 Stat. 387.

In subsection (a), the words "Except as provided by subsections (b) and (c) of this section," are added on authority of former sections 11 and 12, which are codified in subsections (b) and (c) of this section. The words "the commission of an officer" are substituted for "all civil commissions for officers of the United States" because of the definition of "officer" in section 2104. The words "by the President" are coextensive with and substituted for "by the President, by and with the advice and consent of the Senate, or by the President alone".

In subsection (b), the words "officer in the civil service or uniformed services" are substituted for "officer" because of the definition of "officer" in section 2104. The words "direction and" are omitted as included within "the control". The words "the Secretary of Defense" are added on authority of the Acts of July 26, 1947, ch. 343, § 305(a), 61 Stat. 508, and Aug. 10, 1949, ch. 412, § 12(g), 63 Stat. 591. The words "the Secretary of a military department" are substituted for "the Secretary of War, the Secretary of the Navy" (appearing in the Act of Mar. 28, 1896) because of the definition of "military department" in section 102. The title of the Secretary of War was changed to Secretary of the Army by the Act of July 26, 1947, ch. 343, § 205, 61 Stat. 501. "Secretary of the Air Force" is included on authority of the Act of July 26, 1947, ch. 343, § 207 (a),(f), 61 Stat. 502. The words "Secretary of Commerce" are substituted for "Secretary of Commerce and Labor" on authority of the Act of Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736. The words "under the departmental seal" are substituted for "and the departmental seal affixed thereto". The words "any laws to the contrary notwithstanding" are omitted as unnecessary. The last sentence of section 14 of the Act of Mar. 3, 1875, is omitted as executed.

In subsection (c), the words "and shall be" and "any laws to the contrary notwithstanding" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report:

SECTION 2903

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 18	R.S. § 1758.
(b)	5 U.S.C. 16a(a) (less 1st 9 words after last comma).	June 26, 1943, ch. 145, § 206 (less 1st 9 words after last comma), 57 Stat. 196.
(c)	5 U.S.C. 16a(b)	Sept. 30, 1961, Pub. L. 87-332 (par. under "General Provision"), 75 Stat. 743.
	5 U.S.C. 92a	July 3, 1926, ch. 752, 44 Stat. 830.

In subsection (b), the words "On and after June 26, 1943" are omitted as executed, and the word "officer" is omitted as included in "employee". The words "Executive agency" are coextensive with and substituted for "executive departments or independent establishments, including any agency the majority of the stock of which is owned by the Government of the United States" because of the definition of "Executive agency" in section 105. The words "of the Federal Government" and "and to have the same force and effect as oaths administered by officers having seals" are omitted as unnecessary.

In subsection (c), the word "Constitution" is omitted because "laws", as used in this title, encompasses the Constitution. In sub-

section (c)(1), the words "of the United States" are omitted as unnecessary. In subsection (c)(2), the words "an individual authorized by local law to administer oaths in the State, District, or territory or possession of the United States where the oath is administered" are coextensive with and substituted for "notaries public duly appointed in any State, District, or Territory of the United States, by clerks and prothonotaries of courts of record of any such State, District, or Territory, by the deputies of such clerks and prothonotaries, and by all magistrates authorized by the laws of or pertaining to any such State, District, or Territory to administer oaths".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 2904

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 16a(a) (1st 9 words after last comma)	June 26, 1943, ch. 145, § 206 (1st 9 words after last comma), 57 Stat. 196.
	5 U.S.C. 20	Sept. 30, 1961, Pub. L. 87-332 (so much of par. under "General Provision" as inserted "(a)"), 75 Stat. 743.
		Aug. 29, 1890, ch. 820, § 1 (2d sentence under "Fourth Auditor's Office"), 26 Stat. 371.

Section is restated generally to combine former sections 16a(a) (1st 9 words after last comma) and 20. The prohibition is restated in positive form. The words "officer" and "clerk" are omitted as included in "employee". Reference to oaths taken on promotion is omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 2905

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 17b	Aug. 14, 1937, ch. 624, 50 Stat. 640.
		Nov. 22, 1943, ch. 303, 57 Stat. 591.
(b)	5 U.S.C. 17c	Mar. 28, 1955, ch. 17, 69 Stat. 14.

In subsection (a), the word "civilian" is omitted as unnecessary because of the definition of "employee" in section 2105. The words "Executive agency" are coextensive with and substituted for "executive departments and independent establishments of the United States" because of the definition of "Executive agency" in section 105.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 2906

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 21	R.S. § 1759.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 2951

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 633(2)8 (less last sentence)	Jan. 16, 1883, ch. 27, § 2(2)8 (less last sentence), 22 Stat. 404.

The authority of the President to prescribe rules is added on authority of former section 633(1), which is carried into section 3302.

In paragraph (1), the word "authority" is substituted for "power". The words "or employment" are omitted as included within "appointment".

In paragraph (1) (B), the words "separation during probation" are substituted for "of the rejection of any such person after probation". The words "rejection . . . after probation" refer to a rejection, i.e., separation, after a portion of the probationary period has been served but before the end of the probationary period. This is so because an individual can be rejected only during the probationary period. After he has completed the probationary period, he can be removed only under procedures governing removals from the competitive service, and removals of this nature are covered by paragraph (E).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 2952

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 106	R.S. § 195.

The words "Executive department" are substituted for "department" as the definition of "department" applicable to this section is coextensive with the definition of "Executive department" in section 101.

The words "or military department" are inserted to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive Department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this section, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser's note for section 301.

This section was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579 (former 5 U.S.C. 171-1), which provides "Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense" is omitted from this title but is not repealed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 2953

Derivation: United States Code
5 U.S.C. 642a

Revised Statutes and Statutes at Large
July 25, 1956, ch. 730, § 1, 70 Stat. 652.

In subsection (a), the words "Executive agency" are substituted for "department, agency, or independent establishment of the executive branch of the Federal Government (including any corporation wholly owned by the United States)" in view of the definition of "Executive agency" in section 105. The exception of "a Government controlled corporation" in subsection (b)(2) is added to preserve the application to corporations wholly owned by the United States.

The exception of "the General Accounting Office" in subsection (b)(3) is added to preserve application to the executive branch.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 2954

Derivation: United States Code
5 U.S.C. 105a

Revised Statutes and Statutes at Large
May 29, 1928, ch. 901, § 2, 45 Stat. 996.

The words "Executive agency" are substituted for "executive department and independent establishment" in view of the definition of "Executive agency" in section 105.

The words "Committee on Government Operations of the House of Representatives" are substituted for "Committee on Expenditures in the Executive Departments of the House of Representatives" on authority of H. Res. 647 of the 82d Congress, adopted July 3, 1952.

The words "Committee on Government Operations of the Senate" are substituted for "Committee on Expenditures in the Executive Departments of the Senate" on authority of S. Res. 280 of the 82d Congress, adopted Mar. 3, 1952.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Subpart B—Employment and Retention**CHAPTER 31—AUTHORITY FOR EMPLOYMENT**

Sec.

- 3101. General authority to employ; restrictions on voluntary service and service in excess of that authorized.
- 3102. Employment of readers for blind employees.
- 3103. Employment at seat of Government only for services rendered.
- 3104. Employment of specially qualified scientific and professional personnel.
- 3105. Appointment of hearing examiners.
- 3106. Employment of attorneys; restrictions.
- 3107. Employment of publicity experts; restrictions.
- 3108. Employment of detective agencies; restrictions.
- 3109. Employment of experts and consultants; temporary or intermittent.

SECTION 3101

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 43	R.S. § 169. June 26, 1930, ch. 618, 46 Stat. 817.
	5 U.S.C. 514d(2d par.)	Sept. 21, 1944, ch. 412, § 709, 58 Stat. 743.
(b)	31 U.S.C. 665 (b), (i)(1) (words before semicolon, as applicable to sub- section (b))	R.S. § 3679(b), (i)(1) (words before semicolon, as applicable to subsec- tion (b)); added Sept. 6, 1950, ch. 896, § 1211 (2d par., and words be- fore semicolon of 15th par., as ap- plicable to 2d par.), 64 Stat. 765, 768.
	31 U.S.C. 666	May 12, 1917, ch. 12 (3d proviso on p. 72), 40 Stat. 72.
(c)	31 U.S.C. 665(i)(2) (as ap- plicable to subsection (b))	R.S. § 3679(i)(2) (as applicable to sub- section (b)); added Sept. 6, 1950, ch. 896, § 1211 (16th par., as applicable to 2d par.), 64 Stat. 768.

In subsection (a), the authorization is restated to conform to the style of this title. The words "Executive agency" are substituted for "executive department, independent establishment" in view of the definitions in sections 103, 104, and 105. The source statute (an act to authorize the appointment of employees in the executive branch etc.) applied to the entire executive branch, and government corporations as well as other agencies in the executive branch were included within the words "independent establishment". The words "or a military department" are inserted to preserve the application of the source statute. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source statute for this subsection, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser's note for section 301. The words "for services in the District of Columbia or elsewhere" are eliminated as surplusage. The reference to chapter 51 is substituted for the reference to the Classification Act of 1923 because the Act of Oct. 28, 1949, ch. 782, § 1106(a), 63 Stat. 972, amended the section to refer to the Classification Act of 1949, which is carried into this title. The proviso in former section 43 and former section 514d (2d par.) are omitted as superseded by former section 22a, which is carried into section 302. The last sentence of the Act of June 26, 1930, is omitted as executed.

Subsection (a) was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, § 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579 (former 5 U.S.C. 171-1), which provides "Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense" is omitted from this title but is not repealed.

In subsection (b), the words "An officer of a uniformed service or an employee" are substituted for "officer or employee of the United States" in view of the definitions in sections 2104 and 2105 and to preserve the application of the subsection to officers of the uniformed services. Application to civilian officers is covered by the word "employee". "Secretary of the Army" is substituted for "Secretary of War", and "Secretary of the Air Force" is included, on authority of the Act of July 26, 1947, ch. 343, §§ 205, 207 (a), (f), 61 Stat. 501, 502. The words "officers of the Army Reserve or the Air Force Reserve" and "Army Reserve, the Air Force Reserve" are substituted for "members of the Officers' Reserve Corps of the Army" and "Officers' Reserve Corps . . . or the Enlisted Reserve Corps of the Army", respectively. The Act of Mar. 25, 1948, ch. 157, § 1, 62 Stat. 87, grouped the Officers' Reserve Corps, the Organized Reserves, and the Enlisted Reserve Corps into a Reserve component known as the Organized Reserve Corps. The Organized Reserve Corps, which was continued by the Act of June 28, 1950, ch. 383, §§ 301, 401, 64 Stat. 268, 270, was redesignated the Army Reserve by the Act of July 9, 1952, ch. 608, § 302, 66 Stat. 498; 10 U.S.C. 3062. "Officers of . . . the Air Force Reserve" and "Air Force Reserve" are included on authority of the Acts of July 26, 1947, ch. 343, §§ 207 (a), (f), 305(a), 61 Stat. 502, 503, 509; Mar. 25, 1948, ch. 157, § 1, 62 Stat. 87; June 28, 1950, ch. 383, §§ 301, 401, 64 Stat. 268, 270; July 10, 1950, ch. 454, § 201(a), 64 Stat. 323; Sept. 19, 1951, ch. 407, §§ 301, 401(a)(1), 403, 65 Stat. 329, 333; and 10 U.S.C. 8062.

In subsection (c), the words "an officer of a uniformed service, an employee" are substituted for "officer or employee" in view of the definitions in sections 2104 and 2105. The words "Executive agency" are substituted for "agency" as the definition of "agency" in section 665(d)(2) of title 31 is coextensive with the definition of "Executive agency" in section 105.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3102

Derivation: United States Code
5 U.S.C. 43a

Revised Statutes and Statutes at Large
Aug. 29, 1962, Pub. L. 87-614, 76
Stat. 408.

In subsection (a)(1), the word "agency" is substituted for "department". The words "Executive agency" are coextensive with and substituted for "each executive department of the Federal Government, each agency or independent establishment in the executive branch of such Government, each corporation wholly owned or controlled by such Government, and the General Accounting Office" in view of the definition of "Executive agency" in section 105.

In subsection (a)(3), the words "individual employed" are substituted for "employee" so as to include individuals employed by the government of the District of Columbia who are not employees as defined by section 2105.

In subsection (b), the word "may" is substituted for "is authorized", and the words "in his discretion" are omitted as unnecessary in view of the permissive nature of the authority. The words "the provisions of this title governing appointment in the competitive service" are

substituted for "the civil service rules". The words "section 209 of title 18" are substituted for "section 1914 of title 18" on authority of the Act of Oct. 24, 1962, Pub. L. 87-849, § 2, 76 Stat. 1126.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3103

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 46	Aug. 5, 1882, ch. 389, § 4 (less 255th through 316th words), 22 Stat. 255.
		Sept. 23, 1950, ch. 1010, § 7, 64 Stat. 986.
	5 U.S.C. 47 (so much as relates to removal)	Aug. 23, 1912, ch. 350, § 5 (so much as relates to removal), 37 Stat. 414.

The words "civil officer, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee" are omitted as obsolete language and "individual" is substituted therefor. The words "in the civil service" are added to preserve the application of former section 46 to civilian employees. The words "or subordinate bureaus or offices thereof" are omitted as surplusage. The words "and at the rate of pay usual and proper for the services" are omitted as surplusage since all pay rates are now governed by statute.

All after the 75th word of section 4 of the Act of Aug. 5, 1882, as amended by section 7(b) of the Act of Sept. 23, 1950, except the 255th through 316th words, are omitted as executed. The 255th through 296th words are scheduled for repeal as superseded (see Table II-b), and the 297th through 316th words are codified in section 5501. The Act of Aug. 15, 1876, ch. 287, § 5, 19 Stat. 169, cited as authority for former section 46 was repealed by section 7(a) of the Act of Sept. 23, 1950.

In the last sentence, the word "removed" is substituted for "summarily removed" because of the provisions of the Lloyd-LaFollette Act, 37 Stat. 555, as amended, and the Veterans' Preference Act of 1944, 58 Stat. 387, as amended, which are carried into this title.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3104

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 1161 (less 2d sentence of (g))	Oct. 4, 1961, Pub. L. 87-367, § 202 "Sec. 1", 75 Stat. 789.
		Oct. 11, 1962, Pub. L. 87-793, § 1001(a)(2) "(g) (less 2d sentence)", 76 Stat. 863.
(b)	5 U.S.C. 1162(c)	Oct. 4, 1961, Pub. L. 87-367, § 202 "Sec. 2(c)", 75 Stat. 790.
(c)	5 U.S.C. 1163	Oct. 4, 1961, Pub. L. 87-367, § 202 "Sec. 3", 75 Stat. 790.

In subsection (a), the authority to fix pay is omitted and carried into section 5361.

In subsection (b), the words "subsequent to February 1, 1958" appearing in former section 1162(c) are omitted as obsolete.

The Act of Aug. 1, 1947, ch. 433, 61 Stat. 715, as amended by the following Acts is omitted from the derivation and repealed (see Table II) as superseded by the Act of Oct. 4, 1961, Pub. L. 87-367, § 202,

75 Stat. 789, which is carried into this section and sections 3325 and 5361:

June 24, 1948, ch. 624, 62 Stat. 604.

July 13, 1949, ch. 332, 63 Stat. 410.

July 31, 1956, ch. 804 § 501(a), 70 Stat. 761.

Aug. 10, 1956, ch. 1041, § 28, 70A Stat. 631.

June 20, 1958, Pub. L. 85-462, § 12(a)-(d), 72 Stat. 213A.

Sept. 23, 1959, Pub. L. 86-370, § 4, 73 Stat. 651.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3105

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1010 (1st sentence)	June 11, 1946, ch. 324, § 11 (1st sentence), 60 Stat. 244.

The words "Subject to the civil service" are omitted as unnecessary inasmuch as appointments are made subject to the civil service laws unless specifically excepted. The words "and other laws not inconsistent with this chapter" are omitted as unnecessary because of the organization of this title.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3106

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 49	R.S. § 189.
		Sept. 2, 1958, Pub. L. 85-861, § 7(a), 72 Stat. 1555.
	5 U.S.C. 314	R.S. § 365.
		Sept. 2, 1958, Pub. L. 85-861, § 7(b), 72 Stat. 1555.

Sections 189 and 365 of the Revised Statutes, as amended, are combined and the section is revised to express the effect of the law since department heads have long employed, with the approval of Congress, attorneys to advise them in the conduct of their official duties. The law which concentrates the authority for the conduct of litigation in the Department of Justice is codified in section 516 of title 28 by this bill.

The words "Executive department" are substituted for "department" as the definition of "department" applicable to R.S. § 189 is coextensive with the definition of "Executive department" in section 101. The words "or military department" are inserted to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive Department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this section, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue

of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser's note for section 301.

R.S. § 189 was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, § 201(d), as added Aug. 1, 1949, ch. 412, § 4, 63 Stat. 579 (former 5 U.S.C. 171-1), which provides "Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense" is omitted from this title but is not repealed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3107

Derivation: United States Code
5 U.S.C. 54

Revised Statutes and Statutes at Large
Oct. 22, 1913, ch. 32, § 1 (last par.
under "Interstate Commerce Com-
mission"), 38 Stat. 212.

The prohibition is restated in positive form.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3108

Derivation: United States Code
5 U.S.C. 53

Revised Statutes and Statutes at Large
Mar. 3, 1893, ch. 208 (5th par. under
"Public Buildings"), 27 Stat. 591.

The prohibition is restated in positive form.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3109

Derivation: United States Code
5 U.S.C. 55a

Revised Statutes and Statutes at Large
Aug. 2, 1946, ch. 744, § 15, 60 Stat. 810.

In subsection (a), the definitions of "agency" and "appropriation" are added on authority of the Act of Aug. 2, 1946, ch. 744, § 18, 60 Stat. 811.

In subsection (b), the words "the provisions of this title governing appointment in the competitive service" are substituted for "the civil-service laws". The words "chapter 51 and subchapter III of chapter 53 of this title" are substituted for the reference to the classification laws which originally meant the Classification Act of 1923, as amended. Exception from the Classification Act of 1949 is based on sections 202(27) and 1106(a) of the Act of Oct. 28, 1949, ch. 782, 63 Stat. 956, 972.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

CHAPTER 33—EXAMINATION, SELECTION, AND PLACEMENT

SUBCHAPTER I—EXAMINATION, CERTIFICATION, AND APPOINTMENT

Sec.

- 3301. Civil service; generally.
- 3302. Competitive service; rules.
- 3303. Competitive service; recommendations of Senators or Representatives.
- 3304. Competitive service; examinations.
- 3305. Competitive service; examinations; when held.
- 3306. Competitive service; departmental service; apportionment.
- 3307. Competitive service; maximum-age requirement; restriction on use of appropriated funds.
- 3308. Competitive service; examinations; educational requirements prohibited; exceptions.
- 3309. Preference eligibles; examinations; additional points for.
- 3310. Preference eligibles; examinations; guards, elevator operators, messengers, and custodians.
- 3311. Preference eligibles; examinations; crediting experience.
- 3312. Preference eligibles; physical qualifications; waiver.
- 3313. Competitive service; registers of eligibles.
- 3314. Registers; preference eligibles who resigned.
- 3315. Registers; preference eligibles furloughed or separated.
- 3316. Preference eligibles; reinstatement.
- 3317. Competitive service; certification from registers.
- 3318. Competitive service; selection from certificates.
- 3319. Competitive service; selection; members of family restriction.
- 3320. Excepted service; government of the District of Columbia; selection.
- 3321. Competitive service; probation; period of.
- 3322. Competitive service; temporary appointments after age 70.
- 3323. Automatic separations; reappointment; reemployment of annuitants.
- 3324. Appointments at GS-16, 17, and 18.
- 3325. Appointments to scientific and professional positions.
- 3326. Appointments of retired members of the armed forces to positions in the Department of Defense.
- 3327. Postmasters; standards for determination of qualifications.

SUBCHAPTER II—OATH OF OFFICE

Sec.

- 3331. Oath of office.
- 3332. Officer affidavit; no consideration paid for appointment.
- 3333. Employee affidavit; loyalty and striking against the Government.

SUBCHAPTER III—DETAILS

Sec.

- 3341. Details; within Executive or military departments.
- 3342. Details; field to departmental service prohibited.
- 3343. Details; to international organizations.
- 3344. Details; hearing examiners.
- 3345. Details; to office of head of Executive or military department.
- 3346. Details; to subordinate offices.
- 3347. Details; Presidential authority.
- 3348. Details; limited in time.
- 3349. Details; to fill vacancies; restrictions.

SUBCHAPTER IV—TRANSFERS

Sec.

- 3351. Preference eligibles; transfer; physical qualifications; waiver.

SUBCHAPTER V—PROMOTION

Sec.

- 3361. Promotion; competitive service; examination.
- 3362. Promotion; effect of incentive award.
- 3363. Preference eligibles; promotion; physical qualifications; waiver.
- 3364. Promotion; substitute employees in the postal field service.

SECTION 3301

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 631 (less last 16 words)	R.S. § 1753 (less last 16 words).

The words "civil service in the executive branch" are substituted for "civil service of the United States" to confirm the grant of authority in view of the definition of "civil service" in section 2101. The word "will" is substituted for "may". The words "for the employment sought" are substituted for "for the branch of service into which he seeks to enter" as the latter are archaic since there are no "branches" within the executive branch. The word "applicant" is substituted for "candidate".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3302

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 633(1) (less function of Civil Service Commission), (2)8 (last sentence)	Jan. 16, 1883, ch. 27, § 2(1) (less function of Civil Service Commission), (2)8 (last sentence), 22 Stat. 403, 404.

The reference to the competitive service is substituted for the reference to the Act creating that service. The reference to reasons for the exceptions is omitted as covered by section 1308 of this title. The words "provide for" are substituted for "provide and declare". Paragraph (1) is supplied to preserve the President's power to except positions from the competitive service, previously implied from the power to except from the first rule in former section 633(2). Authority to make exceptions to so much of former section 633(2) as is restated in this section and section 1302(a) is omitted as meaningless. Authority to make exceptions to so much of former section 633(2) as is restated in section 3318(a) is omitted as superseded by former section 857, which is carried into section 3318(a). In the last sentence, the words "Each officer and individual employed in an agency" are substituted for "officers of the United States in the departments and offices" because of the restrictive definition of "officer" in section 2104.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3303

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 642	Jan. 16, 1883, ch. 27, § 10, 22 Stat. 406.

The prohibition is restated in positive form. The words "An individual concerned in examining an applicant for or appointing him in the competitive service" are substituted for "any person concerned in making any examination or appointment under this act". The word "applicant" is substituted for "person who shall apply for office or place under the provisions of this act". The word "Representative" is substituted for "Member of the House of Representatives".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3304

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 633(2)1	Jan. 16, 1883, ch. 27, § 2(2)1, 22 Stat. 403.
	5 U.S.C. 633(2)7 (less last 17 words)	Jan. 16, 1883, ch. 27, § 2(2)7 (less last 17 words), 22 Stat. 404.
(b)	5 U.S.C. 638 (as applicable to appointment)	Jan. 16, 1883, ch. 27, § 7 (as applicable to appointment), 22 Stat. 406.
(c)	5 U.S.C. 631b(b)	Nov. 26, 1940, ch. 919, § 2(b), 54 Stat. 1212.
		Feb. 12, 1946, ch. 3, 60 Stat. 3.
		May 29, 1958, Pub. L. 85-432, § 5, 72 Stat. 151.
	5 U.S.C. 631b(c)	June 24, 1952, ch. 456, 66 Stat. 155.
(d)	5 U.S.C. 635 (7th sentence)	Jan. 16, 1883, ch. 27, § 3 (7th sentence), 22 Stat. 404.

In subsection (a), the authority of the President to prescribe rules is added on authority of former section 633(1), which is carried into section 3302. The words "competitive service" are substituted for "public service" since the requirements do not apply to the excepted or uniformed service.

In subsection (b), the words "That after the expiration of six months from the passage of this act" are omitted as executed. The words "in the competitive service" are substituted for "in either of the said classes now existing, or that may be arranged hereunder pursuant to said rules" because of the definition of "competitive service" in section 2102. In the second sentence, the words "the provisions of this title governing the competitive service" are substituted for "this act".

In subsection (c), the provisions of former section 631b (b) and (c) are combined and restated for clarity. The words "From and after the effective date of this Act" and "From and after the date of approval of this Act" are omitted as executed. The words "competitive service" are substituted for "classified civil service" in view of the definition of "competitive service" in section 2102. The words "or as a clerical employee of the Senate or House of Representatives" are omitted as included in the reference to "an individual . . . in the legislative branch in a position in which he was paid by the Secretary of the Senate or the Clerk of the House of Representatives". The words "and nothing in this Act shall be construed to impair any right of retransfer provided for under civil service laws or regulations made thereunder" are omitted as unnecessary.

In subsection (d), the word "Employees" is substituted for "collector, postmaster, and other officers of the United States".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3305

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 635 (last 24 words of 6th sentence)	Jan. 16, 1883, ch. 27, § 3 (last 24 words of 6th sentence), 22 Stat. 404.
(b)	5 U.S.C. 859	June 27, 1944, ch. 287, § 10, 58 Stat. 390.
		Jan. 19, 1948, ch. 1, § 3, 62 Stat. 3.
		Dec. 27, 1950, ch. 1151, § 2(b), 64 Stat. 1117.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3306

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)(1)	5 U.S.C. 633(2)3 (1st sentence)	Jan. 16, 1883, ch. 27, § 2(2)3 (1st sentence), 22 Stat. 404.
(a)(2)	5 U.S.C. 855 (so much as relates to apportionment)	June 27, 1944, ch. 287, § 6 (so much as relates to apportionment), 58 Stat. 389.
(b)	5 U.S.C. 633(2)3 (less 1st sentence)	Jan. 16, 1883, ch. 27, § 2(2)3 (less 1st sentence), 22 Stat. 404. Oct. 28, 1949, ch. 778, § 1, 63 Stat. 950. June 14, 1950, ch. 238, 64 Stat. 213.

In subsection (a)(1), the authority of the President to prescribe rules is added on authority of former section 633(1), which is carried into section 3302.

In subsection (b)(1), the word "official" is substituted for "officer" in view of the restrictive definition of "officer" in section 2104.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3307

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 638b (less proviso)	June 27, 1956, ch. 452, § 302 (less proviso), 70 Stat. 355.

The prohibition is restated in positive form. The word "officers" is omitted as included in "employees" in view of the definition of "employee" in section 2105.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3308

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 854 (less 1st 2 sentences)	June 27, 1944, ch. 287, § 5 (less 1st 2 sentences), 58 Stat. 388.

The prohibition is restated in positive form. The words "The Civil Service Commission or other examining agency" are added, because these are the only agencies to which the prohibition could apply.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3309

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 852 (1st sentence)	June 27, 1944, ch. 287, § 3 (less proviso), 58 Stat. 388. Jan. 19, 1948, ch. 1, § 2, 62 Stat. 3. Dec. 27, 1950, ch. 1151, § 2(a), 64 Stat. 1117. July 14, 1952, ch. 728, § 2, 66 Stat. 627. Aug. 14, 1953, ch. 485, § 1(a) "Sec. 3 (1st sentence)", 67 Stat. 581.

The word "competitive" is added before "service" for clarity. Application of this section to the excepted service in the executive branch and to the government of the District of Columbia, as provided in former section 858, is carried into section 3320.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3310

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 852 (2d sentence)	June 27, 1944, ch. 287, § 3 (proviso), 58 Stat. 388.
		Aug. 14, 1953, ch. 485, § 1(a) "Sec. 3 (2d sentence)", 67 Stat. 581.

The words "in the competitive service" are added for clarity. The reference to "examinations held prior to December 31, 1954, for positions of apprentices" is omitted as obsolete. Application of this section to the excepted service in the executive branch and to the government of the District of Columbia, as provided in former section 858, is carried into section 3320.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3311

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 853	June 27, 1944, ch. 287, § 4, 58 Stat. 388.

The words "for the competitive service" are added after "examinations" for clarity. Application of this section to the excepted service in the executive branch and to the government of the District of Columbia, as provided in former section 858, is carried into section 3320.

In paragraph (1), the words "service in the armed forces" are substituted for "in the military or naval service of the United States" on authority of the Act of July 26, 1947, ch. 343, § 305(a), 61 Stat. 508. The word "actual" is omitted as surplusage.

In paragraph (2), the words "material to the position for which examined" are substituted for "valuable" for clarity.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3312

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 854 (1st 2 sentences, less so much as relates to promotion, retention, and transfer)	June 27, 1944, ch. 287, § 5 (1st 2 sentences, less so much as relates to promotion, retention, and transfer), 58 Stat. 388.

The section is restated for clarity and conciseness. The words "for which examination is given" and "for which the examination is given" are omitted as surplusage. The application of this section to the excepted service in the executive branch and the government of the District of Columbia is preserved by section 3320.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3313

Derivation: United States Code
5 U.S.C. 856

Revised Statutes and Statutes at Large
June 27, 1944, ch. 287, § 7, 58 Stat. 389.
Aug. 14, 1953, ch. 485, § 1(b), 67 Stat.
581.

The section is restated for clarity and conciseness. The words "for the competitive service" are added for clarity. Application of this section to the excepted service in the executive branch and to the government of the District of Columbia is carried into section 3320. The words "employment lists" are omitted as included in "appropriate registers or lists of eligibles".

In paragraph (1), the words "in GS-9 or higher" are substituted for "in grade 9 or higher of the General Schedule of the Classification Act of 1949, as amended" in view of the codification of the Act in this title, and, in specific, sections 5104 and 5332.

In paragraph (2)(A), the term "disabled veterans" is substituted for "preference eligibles" in view of the definition of "disabled veteran" in section 2108(2).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3314

Derivation: United States Code
5 U.S.C. 865

Revised Statutes and Statutes at Large
June 27, 1944, ch. 287, § 16, 58 Stat.
391.

The last 28 words of former section 865 relating to recertification and reappointment are omitted since under sections 3317 and 3318(a) certification and appointment follow from placing on registers.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3315

Derivation: United States Code
(a) 5 U.S.C. 864 (1st sentence)
(b) 5 U.S.C. 863 (2d proviso)

Revised Statutes and Statutes at Large
June 27, 1944, ch. 287, § 15 (1st sentence), 58 Stat. 391.
June 27, 1944, ch. 287, § 14 (2d proviso), 58 Stat. 391.

In subsection (a), the term "Executive agency" is substituted for "any agency or project of the Federal Government" on authority of former section 869. The last 28 words of the 1st sentence of former section 864 relating to recertification and reappointment are omitted since under sections 3317 and 3318(a) certification and appointment follow from placing on registers.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3316

Derivation: United States Code
5 U.S.C. 862

Revised Statutes and Statutes at Large
June 27, 1944, ch. 287, § 13, 58 Stat.
390.

The word "authority" is substituted for "officer" in recognition of the several appointing authorities named in section 2105(a)(1).

The words "in the competitive service, an Executive agency, or the government of the District of Columbia" are substituted for "in the civil service, Federal, or District of Columbia, or in any establishment, agency, bureau, administration, project, or department, temporary or permanent" on authority of former section 869.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3317

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 857 (1st sentence and 2d proviso)	June 27, 1944, ch. 287, § 8 (1st sentence and 2d proviso), 58 Stat. 389.

In subsection (a), the word "authority" is substituted for "officer" in recognition of the several appointing authorities named in section 2105(a)(1). The words "in the competitive service" have been added for clarity. Application of the section to the excepted service in the executive branch and to the government of the District of Columbia, as provided in former section 858, is carried into section 3320.

In subsection (b), the word "thereafter" is omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3318

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a), (b)	5 U.S.C. 633(2)2	Jan. 16, 1883, ch. 27, § 2(2)2, 22 Stat. 404.
	5 U.S.C. 857 (less 1st sentence, 2d proviso, and last sentence)	June 27, 1944, ch. 287, § 8 (less 1st sentence, 2d proviso, and last sentence), 58 Stat. 389.
(c)	5 U.S.C. 864 (less 1st sentence)	Aug. 14, 1953, ch. 485, § 2, 67 Stat. 582. June 27, 1944, ch. 287, § 15 (less 1st sentence), 58 Stat. 391.

The word "authority" is substituted for "officer" in recognition of the several appointing authorities named in section 2105(a)(1).

In subsection (a), the provisions of former section 633(2)2 are merged in the requirement of former section 857, since the certificate must be of the three highest on the register and the nominating or appointing employee may select one of the three.

In subsection (c), the prohibition in former section 864 is restated in positive form. The words "an individual who qualifies as a preference eligible under section 2108(3)(B)-(F)" are substituted for "ten-point preference eligibles".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3319

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 641	Jan. 16, 1883, ch. 27, § 9, 22 Stat. 406.
(b)	5 U.S.C. 855 (less so much as relates to apportionment)	June 27, 1944, ch. 287, § 6 (less so much as relates to apportionment), 58 Stat. 389.

The section is restated for clarity, and to incorporate the exception contained in former section 855.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3320

Derivation: United States Code
 5 U.S.C. 858
 5 U.S.C. 869

Revised Statutes and Statutes at Large
 June 27, 1944, ch. 287, § 9, 58 Stat.
 389.
 June 27, 1944, ch. 287, § 20, 58 Stat.
 391.

Former sections 858 and 869 are combined and restated for clarity and to conform to section 3318(a). The word "authority" is substituted for "officer" in recognition of the several appointing authorities named in section 2105(a)(1). The words "shall select for appointment to each vacancy in the excepted service in the executive branch and in the government of the District of Columbia from the qualified applicants in the same manner and under the same conditions required for the competitive service by sections 3308-3318 of this title" are substituted for "In the unclassified Federal, and District of Columbia, civil service, and in all other positions and employment hereinbefore referred to in (c) of section 851 of this title . . . shall make selection from the qualified applicants in accordance with the provisions of this chapter". The reference to the excepted service "in the executive branch" is substituted for the exception of the legislative and judicial branches in former section 869. Former section 869 did not prohibit the application of those provisions of the Act of June 27, 1944, which relate to the competitive service in the legislative or judicial branch by reason of the specific provisions of section 311 of the Act of June 10, 1921, as amended (31 U.S.C. 52); 28 U.S.C. 602; and Executive Order No. 67 of June 13, 1895. The reference to appointments of postmasters is omitted from this section since those referred to are in the competitive service. The application of former section 869 to the remainder of the Act of June 27, 1944, is covered by the sections into which the remainder is carried (see Table I).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3321

Derivation: United States Code
 5 U.S.C. 633(2)4

Revised Statutes and Statutes at Large
 Jan. 16, 1883, ch. 27, § 2(2)4, 22 Stat.
 404.

The authority of the President to prescribe rules is added on authority of former section 633(1), which is carried into section 3302. Wording is changed because in practice an appointment is not made after probation. The words "or employment" are omitted as included within "appointment".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3322

Derivation: United States Code
 5 U.S.C. 638b (proviso)

Revised Statutes and Statutes at Large
 June 27, 1956, ch. 452, § 302 (proviso),
 70 Stat. 355.

The prohibition is restated in positive form.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3323

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 715a	June 30, 1932, ch. 314, § 204, 47 Stat. 404.
(b)	5 U.S.C. 2263(a)	July 31, 1956, ch. 804, § 401 "Sec. 13(a)", 70 Stat. 757.
(c)	22 U.S.C. 915(c)	Sept. 8, 1960, Pub. L. 86-723, § 10(d), 74 Stat. 832.
(d)	33 U.S.C. 544a, 701l	June 20, 1938, ch. 535, § 5, 52 Stat. 805.

In subsection (a), the exception is added on authority of the statutes on which this section is based. The words "On and after July 1, 1932" are omitted as executed. The words "heretofore or hereafter" are omitted as unnecessary. The words "in the civil service" are substituted for "civilian service in any branch or service of the United States Government" and "to any appointive office, position, or employment under the United States" in view of the definition of "civil service" in section 2101.

In subsection (b), the words "Notwithstanding any other provision of law" are omitted as unnecessary. The words "receiving annuity from the Civil Service Retirement and Disability Fund" are substituted for "heretofore or hereafter retired under this chapter". The word "authority" is substituted for "officer" in recognition of the several appointing authorities named in section 2105(a)(1).

In subsection (c), the words "Notwithstanding the provisions of sections 62 and 715a of title 5" are omitted as unnecessary in view of the exception stated in subsection (a) and in view of the repeal of section 62 of title 5 by § 402(a)(7) of the Act of Aug. 19, 1964, Pub. L. 88-448, 78 Stat. 492. The words "heretofore or hereafter" and "hereafter" are omitted as unnecessary. The words "in a position in the civil service" are substituted for "in Federal Government service in any appointive position" in view of the definition of "civil service" in section 2101. The word "authority" is substituted for "officer" in recognition of the several appointing authorities named in section 2105(a)(1).

In subsection (d), the reference to section 715a of title 5 is omitted as unnecessary in view of the exception stated in subsection (a). The words "under section 569a of title 33" are substituted for "under agreement as authorized by sections 569a, 584a and 607a of title 33" on authority of the provision contained in section 569a of title 33. The word "employee" is coextensive with and substituted for "civilian employee" in view of the definition of "employee" in section 2105. The last sentence is restated for clarity.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3324

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1105(i)	June 20, 1958, Pub. L. 85-462, § 10 "i", 72 Stat. 213.
		Sept. 13, 1960, Pub. L. 86-768, 74 Stat. 910.

In subsection (a), the words "in GS-16, 17, and 18" are substituted for "in grades 16, 17, and 18 of the General Schedule".

In subsection (a)(2), the words "by the President" are coextensive with and substituted for "by the President alone or by the President by and with the advice and consent of the Senate".

In subsection (a)(4)(A), the words "Office of Emergency Planning" are substituted for "Office of Defense Mobilization" on authority of 1958 Reorg. Plan No. 1, § 2(a), effective July 1, 1958, 72 Stat. 1799, as amended Aug. 26, 1958, Pub. L. 85-763, 72 Stat. 861, and Sept. 22, 1961, Pub. L. 87-296, 75 Stat. 630. Reference to "President's Advisory Committee on Government Organization" is omitted since the Committee was abolished by Executive Order No. 10917, February 10, 1961.

In subsection (a)(4)(B), the words "'Emergency Fund for the President' by the Treasury, Post Office, and Executive Office Appropriation Act, 1966" are substituted for "'Emergency Fund for the President, National Defense' by the General Government Matters Appropriation Act, 1959" to reflect the heading and title of the current appropriation Act.

Subsection (b) is added on authority of former sections 1072 and 1072a, which are carried into section 5115.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3325

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 1162(a)	Oct. 4, 1961, Pub. L. 87-367, § 202 "Sec. 2(a)", 75 Stat. 790.
(b)	5 U.S.C. 1161(g) (2d sentence)	Oct. 11, 1962, Pub. L. 87-793, § 1001 (a)(2) "(g) (2d sentence)", 76 Stat. 863.

In subsection (a), the words "or its designee" are substituted for "or such officers or agents as the Commission may designate".

For repeal of the Act of Aug. 1, 1947, ch. 433, 61 Stat. 715, as amended, see revision note for section 3104.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3326

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 3101 (as applicable to 5 U.S.C. 3103)	Aug. 19, 1964, Pub. L. 88-448, § 101 (as applicable to § 204), 78 Stat. 484.
(b), (c)	5 U.S.C. 3103	Aug. 19, 1964, Pub. L. 88-448, § 204, 78 Stat. 487.

In subsection (a), the definition of "armed forces" is omitted as unnecessary in view of the definition in section 2101.

In subsection (b), the words "position in the civil service" are substituted for "civilian office" in view of the definition of "civil service" in section 2101. The words "(including a nonappropriated fund instrumentality under the jurisdiction of the armed forces)" are added on authority of former section 3101(3).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3327

Derivation: United States Code
5 U.S.C. 659

Revised Statutes and Statutes at Large
Oct. 11, 1962, Pub. L. 87-793, § 115,
76 Stat. 836.

The word "all" is omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3331

Derivation: United States Code
5 U.S.C. 16

Revised Statutes and Statutes at Large
R.S. § 1757.
May 13, 1884, ch. 46, §§ 2, 3, 23 Stat.
22.

All but the quoted language in R.S. § 1757 is omitted as obsolete since R.S. § 1757 was originally an alternative oath to the oath prescribed in R.S. § 1756 which oath was repealed by the Act of May 13, 1884, ch. 46, § 2, 23 Stat. 22. The words "An individual, except the President, . . . in the civil service or uniformed services" are substituted for "any person . . . either in the civil, military, or naval service, except the President of the United States". The second sentence of former section 16 is changed to read, "This section does not affect other oaths required by law."

Standards changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3332

Derivation: United States Code
5 U.S.C. 21a

Revised Statutes and Statutes at Large
Dec. 11, 1926, ch. 4, § 1, 44 Stat. 918.
Mar. 2, 1927, ch. 284, 44 Stat. 1346.
Sept. 23, 1950, ch. 1010, § 10, 64 Stat.
987.

The section is restated for clarity and conciseness. The term "officer" is coextensive with and substituted for "Each individual appointed hereafter as a civil officer of the United States by the President, by and with the advice and consent of the Senate, or by the President alone, or by a court of law, or by the head of a department" in view of the definition of "officer" in section 2104.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3333

Derivation: United States Code
5 U.S.C. 118q
[Uncodified]

Revised Statutes and Statutes at Large
Aug. 9, 1955, ch. 690, § 2, 69 Stat. 624.
June 29, 1956, ch. 479, § 3 (as applicable to the Act of Aug. 9, 1955, ch. 690, § 2, 69 Stat. 624), 70 Stat. 453.

The section is restated for clarity and to conform to the style of section 3332.

In subsection (a), the words "after August 9, 1955" are omitted as executed. The words "if the affidavit is executed prior to acceptance of such office or employment" are omitted as unnecessary. The

words "From and after July 1, 1956", appearing in the Act of June 29, 1956, are omitted as executed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3341

Derivation: United States Code
5 U.S.C. 38

Revised Statutes and Statutes at Large
R.S. § 166.
May 28, 1896, ch. 252, § 3, 29 Stat. 179.

The words "Executive department" are substituted for "department" as the definition of "department" applicable to this section is coextensive with the definition of "Executive department" in section 101.

The words "or military department" are inserted to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive Department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this section, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser's note for section 301.

The word "detail" is coextensive with and is substituted for "alter the distribution". The word "clerks" is omitted as included in "employees". The words "as he may find it necessary and proper to do" and "from time to time" are omitted as surplusage.

This section was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, § 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579 (former 5 U.S.C. 171-1), which provides "Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense" is omitted from this title but is not repealed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3342

Derivation: United States Code
5 U.S.C. 39
5 U.S.C. 40

Revised Statutes and Statutes at Large
June 22, 1906, ch. 3514, § 6, 34 Stat. 449.
Aug. 5, 1882, ch. 389, § 1 (last sentence under "Office of Life-Saving Service"), 22 Stat. 229.

The prohibition is restated in positive form.

The words "An employee in the field service" are coextensive with and substituted for "civil officers, clerks, or other subordinate employees who are authorized or employed under or paid from appropriations made for the military or naval establishments, or any other branch of the public service outside of the District of Columbia"

since, generally, separate appropriations are no longer made for the departmental service and for the service outside the District of Columbia.

The words "Bureau of Customs" are substituted for "Division of Customs" on authority of the Act of Mar. 3, 1927, ch. 348, §§ 1, 3, 44 Stat. 1381, 1382. The words "in the District of Columbia" are substituted for "at Washington". Reference to the detail of one officer of the Revenue Marine Service for duty in the Office of the Life-Saving Service is omitted on authority of the Act of Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800, which consolidated the Revenue-Cutter Service and the Life-Saving Service into the Coast Guard. (The Revenue Marine Service and the Revenue-Cutter Service were the same Service, cf., Act of July 25, 1861, ch. 20, 12 Stat. 275, and the Act of July 20, 1868, ch. 177, § 1, 15 Stat. 113.) Reference to the detail of one officer from the Special Agency Service is omitted on authority of the Act of Mar. 3, 1927, ch. 348, § 3(c), 44 Stat. 1382, which abolished that Service. Reference to the detail of one revenue agent for duty in the Office of the Commissioner of Internal Revenue is omitted as superseded by section 3901(b)(2) of title 26, I.R.C. 1939. Such section was repealed by section 7851 of title 26, I.R.C. 1954, and is now covered by section 7803(b)(2) of title 26.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3343

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 2331	Aug. 28, 1958, Pub. L. 85-795, § 2, 72 Stat. 959.
(b)-(e)	5 U.S.C. 2332	Aug. 28, 1958, Pub. L. 85-795, § 3, 72 Stat. 959.

In subsection (a)(1)(A), the term "Executive agency" is coextensive with and substituted for "any department or agency in the executive branch of the United States Government including independent establishments and Government owned or controlled corporations".

In subsection (a)(2), the word "employee" is substituted for "any civilian appointive officer or employee" in view of the definition of "employee" in section 2105. The words "in or under an agency" are substituted for "in or under the executive or the legislative branch of the United States Government" in view of the definition of "agency" in subsection (a)(1).

In subsection (a)(4), the words "without a change of position from the agency by which he is employed to an international organization" are substituted for "without the employee's transfer from the Federal agency by which he is employed" to eliminate the necessity of carrying into this section the definition of "transfer" appearing in former section 2331(5).

In subsection (e), the words "section 209 of title 18" are substituted for "section 1914 of title 18" on authority of the Act of Oct. 23, 1962, Pub. L. 87-849, § 2, 76 Stat. 1126.

Other definitions appearing in former section 2331 are omitted from this section as inappropriate but are carried into section 3581.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3344

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1010 (4th sentence)	June 11, 1946, ch. 324, § 11 (4th sentence), 60 Stat. 244.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3345

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 4	R.S. § 177.

The words "Executive department" are substituted for "department" as the definition of "department" applicable to this section is coextensive with the definition of "Executive department" in section 101.

The words "or military department" are inserted to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive Department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this section, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser's note for section 301.

This section was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, § 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579 (former 5 U.S.C. 171-1), which provides "Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense" is omitted from this title but is not repealed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3346

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 5	R.S. § 178.

The words "his first assistant" are substituted for "the assistant or deputy of such chief or of such officer, or if there be none, then the chief clerk of such bureau". A chief of a bureau is an officer within the meaning of this section. The words "Executive department" are substituted for "department" as the definition of "department" applicable to this section is coextensive with the definition of "Executive department" in section 101.

The words "or military department" are inserted to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act

Amendments of 1949 established the Department of Defense as an Executive Department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this section, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser's note for section 301.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3347

Derivation: United States Code
5 U.S.C. 6

Revised Statutes and Statutes at Large
R.S. § 179.

The words "in his discretion", "vacant", and "incumbent" are omitted as surplusage. The words "Executive department" are substituted for "department" as the definition of "department" applicable to this section is coextensive with the definition of "Executive department" in section 101. As used, the word "an" is coextensive with and substituted for "either".

The words "or military department" are inserted to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive Department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this section, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser's note for section 301.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3348

Derivation: United States Code
5 U.S.C. 7

Revised Statutes and Statutes at Large
R.S. § 180.
Feb. 6, 1891, ch. 113, 26 Stat. 733.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3349

Derivation: United States Code
5 U.S.C. 8

Revised Statutes and Statutes at Large
R.S. § 181.

The prohibition is restated in positive form.

This section was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, § 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579 (former 5 U.S.C. 171-1), which provides "Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now

or hereafter amended shall be applicable to the Department of Defense" is omitted from this title but is not repealed.

Standard changes are made to conform with the definition applicable and the style of this title as outlined in the preface to the report.

SECTION 3351

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 854 (1st 2 sentences, so much as relates to transfer)	June 27, 1944, ch. 287, § 5 (1st 2 sentences, so much as relates to transfer), 58 Stat. 388.

The section is restated to conform to section 3312.

The words "in the competitive service, an Executive agency, or the government of the District of Columbia" are added on authority of former sections 851, 858, and 869, which are carried into this title. The last sentence is added on authority of former section 869.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3361

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 638 (as applicable to promotion)	Jan. 16, 1883, ch. 27, § 7 (as applicable to promotion), 22 Stat. 406.

The words "That after the expiration of six months from the passage of this act" are omitted as executed. The words "in the competitive service" are substituted for "in either of the said classes now existing, or that may be arranged hereunder pursuant to said rules" because of the definition of "competitive service" in section 2102. In the second sentence, the words "the provisions of this title governing the competitive service" are substituted for "this act".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3362

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2123(f)	Sept. 1, 1954, ch. 1208, § 304(f), 68 Stat. 1113.

The word "incentive" is added for clarification. The second sentence is added on authority of former section 2122, which is carried into section 4501.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3363

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 854 (1st 2 sentences, so much as relates to promotion)	June 27, 1944, ch. 287, § 5 (1st 2 sentences, so much as relates to promotion), 58 Stat. 388.

The section is restated to conform to section 3312.

The words "in the competitive service, an Executive agency, or the government of the District of Columbia" are added on authority of former sections 851, 858, and 869, which are carried into this title. The last sentence is added on authority of former section 869.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3364

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 857 (last sentence)	June 27, 1944, ch. 287, § 8 (last sentence), 58 Stat. 389.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

CHAPTER 35—RETENTION PREFERENCE, RESTORATION, AND REEMPLOYMENT

SUBCHAPTER I—RETENTION PREFERENCE

Sec.

- 3501. Definitions; application.
- 3502. Order of retention.
- 3503. Transfer of functions.
- 3504. Preference eligibles; retention; physical qualifications; waiver.

SUBCHAPTER II—RESTORATION AFTER ACTIVE DUTY OR TRAINING DUTY

Sec.

- 3551. Restoration; Reserves and National Guardsmen.

SUBCHAPTER III—REINSTATEMENT OR RESTORATION AFTER SUSPENSION OR REMOVAL FOR NATIONAL SECURITY

Sec.

- 3571. Reinstatement or restoration; individuals suspended or removed for national security.

SUBCHAPTER IV—REEMPLOYMENT AFTER SERVICE WITH AN INTERNATIONAL ORGANIZATION

Sec.

- 3581. Definitions.
- 3582. Rights of transferring employees.
- 3583. Computations.
- 3584. Regulations.

SECTION 3501

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a) (1), (2)	5 U.S.C. 3101 (as applicable to 5 U.S.C. 861)	Aug. 19, 1964, Pub. L. 88-448, § 101 (as applicable to § 202), 78 Stat. 484.
(a) (3)	5 U.S.C. 861(b)	June 27, 1944, ch. 287, § 12(b); added Aug. 19, 1964, Pub. L. 88-448, § 202 (4) ("(b)"), 78 Stat. 486.

In subsection (a), the definitions of "uniformed services" and "armed forces" are omitted as unnecessary in view of the definitions in section 2101. The definition of "civilian office" is omitted as unnecessary as subsection (b) of this section states the application of this subchapter.

In subsection (a)(3), the words "Notwithstanding any other provision of this Act" are omitted as unnecessary. The words "prefer-

ence eligible employee” are coextensive with and substituted for “employee . . . included under section 2 of this Act” in view of the definition of preference eligible in section 2108. In paragraph (3)(C), the words “on November 30, 1964, he was employed in a position to which this subchapter applies and thereafter he continued to be so employed” are substituted for “immediately prior to the effective date of this subsection, he was employed in a civilian office to which this Act applies and, on and after such date, he continues to be employed in any such office”.

Subsection (b) is supplied on authority of sections 2, 12, and 20 of the Act of June 27, 1944, ch. 287, 58 Stat. 387, 391, which are carried into this title.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preference to the report.

SECTION 3502

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 861(a) (less 2d and 3d provisos), (c)	June 27, 1944, ch. 287, § 12 (less 2d and 3d provisos), 58 Stat. 390. Aug. 19, 1964, Pub. L. 88-448, § 202 (1)-(3), (4) (“(c)”), 78 Stat. 486.
(b)	5 U.S.C. 861(a) (2d proviso)	June 27, 1944, ch. 287, § 12 (2d proviso), 58 Stat. 390.

In subsection (a), the words “reduction in force” are substituted for “reduction in personnel”. The words “in any civilian service of any Federal agency” are omitted as unnecessary because of the application stated in section 3501. In the second sentence, the word “total” in the phrase “length of service” is omitted for consistency with paragraph (3), and the words “subject to subsection (c) of this section” are omitted as unnecessary in view of the supplied distinction between a competing employee who is not a retired member of a uniformed service and such an employee who is a retired member of a uniformed service. In paragraph (A), the words “total length of time in active service” are substituted for “length of time spent in active service” for consistency with paragraph (B)(ii).

In subsections (a) and (b), the references to “performance” ratings and ratings of “satisfactory” are added on authority of former section 2005, which is carried into section 4304.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3503

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 861(a) (3d proviso)	June 27, 1944, ch. 287, § 12 (3d proviso), 58 Stat. 390.

In subsection (a), the words “a function” are substituted for “any or all of the functions”. The word “receiving” is substituted for “replacing” in the phrase “receiving agency” to avoid confusion with subsection (b).

In subsections (a) and (b), the word “first” in the phrase “shall first be transferred” is omitted as redundant in view of the subsequent limitation imposed by the words following “before”. The words “make an appointment from another source to that position” are

substituted for "appoint additional employees from any other source for such position".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3504

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 854 (1st 2 sentences, so much as relates to retention)	June 27, 1944, ch. 287, § 5 (1st 2 sentences, so much as relates to retention), 58 Stat. 388.

The words "in the competitive service, an Executive agency, or the government of the District of Columbia" are added on authority of former sections 851, 858, and 869 which are carried into this title. The words "preference eligible" are substituted for "veteran".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3551

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 30r(b)	Aug. 10, 1956, ch. 1041, § 29(b), 70A Stat. 632.

The statement of application is added on authority of former section 30r(a), which is carried into section 6323.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3571

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 22-1 (1st 31 words of 3d proviso)	Aug. 26, 1950, ch. 803, § 1 (1st 31 words of 3d proviso), 64 Stat. 477.

The words "suspended or removed under section 7532 of this title" are coextensive with and substituted for "whose employment is so suspended or terminated under the authority of said sections".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3581

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2331	Aug. 28, 1958, Pub. L. 85-795, § 2, 72 Stat. 959.

In paragraph (1)(A), the term "Executive agency" is coextensive with and substituted for "any department or agency in the executive branch of the United States Government including independent establishments and Government owned or controlled corporations" in view of the definition of "Executive agency" in section 105.

In paragraph (2), the word "employee" is substituted for "any civilian appointive officer or employee" in view of the definition of "employee" in section 2105. The words "in or under an agency" are substituted for "in or under the executive or the legislative branch of the United States Government".

The definition of "Congressional employee" in former section 2331(4) is omitted as unnecessary because the term "Congressional employee", defined for the purpose of this title in section 2107, is coextensive with the definition in former section 2331(4).

The definition of "Detail" in former section 2331(6) is omitted from this section as inappropriate but is carried into section 3343.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3582

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2333 (less (c))	Aug. 28, 1958, Pub. L. 85-795, § 4 (less (c)), 72 Stat. 960.

In subsection (a), the words "Notwithstanding the provisions of any law, Executive order, or regulation" are omitted as unnecessary. In paragraph (2), the words "an employee under chapter 87 of this title" are substituted for "an officer or employee of the United States". In paragraph (4), the words "under no circumstances" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3583

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2333(c)	Aug. 28, 1958, Pub. L. 85-795, § 4(c), 72 Stat. 961.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 3584

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2334	Aug. 28, 1958, Pub. L. 85-795, § 5, 72 Stat. 961.

The words "civil service employment rights" are substituted for "Federal employment rights". The word "including" is substituted for "such as, but not limited to".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Subpart C—Employee Performance

CHAPTER 41—TRAINING

Sec.

- 4101. Definitions.
- 4102. Exceptions; Presidential authority.
- 4103. Establishment of training programs.
- 4104. Government facilities; use of.
- 4105. Non-Government facilities; use of.
- 4106. Non-Government facilities; amount of training limited.
- 4107. Non-Government facilities; restrictions.
- 4108. Employee agreements; service after training.
- 4109. Expenses of training.
- 4110. Expenses of attendance at meetings.
- 4111. Acceptance of contributions, awards, and other payments.
- 4112. Absorption of costs within funds available.
- 4113. Agency review of training needs; annual program reports.
- 4114. Non-Government facilities; review of training programs.
- 4115. Collection of training information.
- 4116. Training program assistance.
- 4117. Administration.
- 4118. Regulations.

SECTION 4101

Derivation: United States Code
5 U.S.C. 2302

Revised Statutes and Statutes at Large
July 7, 1958, Pub. L. 85-507, § 3, 72
Stat. 328.

In paragraph (1), the word "agency" is substituted for "department". Reference to the "General Accounting Office" is omitted as included in "independent establishment" because of the definition in section 104.

In paragraph (2)(B), the words "in the Department of Commerce" are omitted as unnecessary.

In paragraph (6)(C), the word "agency" is omitted as unnecessary and to avoid confusion with the word "agency" defined by paragraph (1).

In paragraph (6)(E), the words "individuals other than civilian or military personnel of the Government" are substituted for "an individual not a civilian or military officer or employee of the Government of the United States or of the municipal government of the District of Columbia" to conform to paragraph (5).

The definition of "Commission" in former section 2302(4) is omitted as unnecessary as the title "Civil Service Commission" is fully set out the first time it is used in each section of this chapter.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4102

Derivation: United States Code
5 U.S.C. 2303

Revised Statutes and Statutes at Large
July 7, 1958, Pub. L. 85-507, § 4, 72
Stat. 329.
May 26, 1959, Pub. L. 86-33, 73 Stat.
62.
Aug. 2, 1962, Pub. L. 87-566, 76 Stat.
264.

In subsection (a)(1), the exception for the President and Vice-President is omitted as surplusage as these elected officers are not employed in or under an agency and thus are not included in the definition of "employee" in section 4101(2).

In subsection (a)(1)(C), the words "as defined by section 231(a) of Title 37" are omitted as unnecessary in view of the definition of "uniformed services" in section 2101(b). The words "section 204 of title 37" are substituted for "sections 232-234, 235, 236, 237, 238, and 239 of Title 37" on authority of section 12(b) of the Act of Sept. 7, 1962, Pub. L. 87-649, 76 Stat. 497.

In subsection (a)(2)(B), the words "by the President" are coextensive with and substituted for "by the President by and with the advice and consent of the Senate or by the President alone".

In subsection (b)(1), reference to "section 21, and section 22" is omitted as unnecessary since the sections are not carried into this title, but are scheduled for repeal, see Table II.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4103

Derivation: United States Code
5 U.S.C. 2306

Revised Statutes and Statutes at Large
July 7, 1958, Pub. L. 85-507, § 7, 72
Stat. 331.

The words "Within two hundred and seventy days after the date of enactment of this Act [July 7, 1958]" are omitted as obsolete.

In paragraph (1), reference to the effective date of the regulations is omitted as obsolete.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4104

Derivation: United States Code
5 U.S.C. 2307

Revised Statutes and Statutes at Large
July 7, 1958, Pub. L. 85-507, § 8, 72
Stat. 331.

In paragraph (2), the words "other agencies in any branch of the Government" and "the other agencies" are coextensive with and substituted for "other departments, and with other agencies in any branch of the Government" and "such other departments and agencies". This is so because "other agencies in any branch of the Government" is broader than "agency" as defined for the purpose of this chapter in section 4101(1).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4105

Derivation: United States Code
5 U.S.C. 2308

Revised Statutes and Statutes at Large
July 7, 1958, Pub. L. 85-507, § 9, 72
Stat. 331.

In subsection (a), the word "appropriate" is omitted as unnecessary.

In subsection (b)(1), the words "by, in, and through non-Government facilities" are omitted as unnecessary in view of the previous reference in the subsection.

In subsection (b)(2), the word "appropriate" is omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4106

Derivation: United States Code
5 U.S.C. 2311

Revised Statutes and Statutes at Large
July 7, 1958, Pub. L. 85-507, § 12, 72
Stat. 333.

In subsection (a)(1), the words "by, in, and through non-Government facilities" are omitted as unnecessary in view of the previous reference in the subsection.

In subsection (a)(2), the prohibition is restated in positive form.

In the last sentence of subsection (a) and in subsection (b), the words "in its discretion" are omitted as unnecessary in view of the permissive nature of the authority.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4107

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 2313	July 7, 1958, Pub. L. 85-507, § 14, 72 Stat. 334.
(b)	5 U.S.C. 2318(d)	July 7, 1958, Pub. L. 85-507, § 19(d), 72 Stat. 336.
(c)	5 U.S.C. 2312	July 7, 1958, Pub. L. 85-507, § 13, 72 Stat. 334.

The prohibitions are restated in positive form.

In subsection (a)(2), the words "Executive order" are substituted for "Executive orders of the President".

In subsection (c), the words "under authority of this chapter" and "by the Government" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4108

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2310	July 7, 1958, Pub. L. 85-507, § 11, 72 Stat. 332.

In subsection (a), the last sentence of former section 2310(a) is omitted as included in the first sentence of the revised subsection.

In subsection (b), the words "another agency in any branch of the Government" are coextensive with and substituted for "another department or of any other agency in any branch of the Government". This is so because "agency in any branch of the Government" is broader than "agency" as defined for the purpose of this chapter in section 4101(1).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4109

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2309	July 7, 1958, Pub. L. 85-507, § 10, 72 Stat. 332.

In subsection (a) (1) and (2), the words "training under this chapter" and "the training" are substituted for "training by, in, or through Government facilities or non-Government facilities under authority of this chapter" and "such training", respectively.

In subsection (a)(2)(A), the words "and the Standardized Government Travel Regulations" are omitted as included by the reference to "subchapter I of chapter 57 of this title".

In subsection (a)(2) (A) and (B), the words "sections 404 and 405 of title 37" and "sections 406 and 409 of title 37" are substituted for the references to "section 253 of title 37" on authority of section 12(b) of the Act of Sept. 7, 1962, Pub. L. 87-649, 76 Stat. 497.

In subsection (a)(2)(B), the words "and regulations prescribed under Executive Order 11012" are substituted for "and Executive Order Numbered 9805, as amended" to reflect current authority and the repeal of Executive Order 9805.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4110

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2318(b)	July 7, 1958, Pub. L. 85-507, § 19(b), 72 Stat. 336.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4111

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 2318(a)	July 7, 1958, Pub. L. 85-507, § 19(a), 72 Stat. 336.
(b)	5 U.S.C. 2318(c)	July 7, 1958, Pub. L. 85-507, § 19(c), 72 Stat. 336.

In subsection (a), the words "section 209 of title 18" are substituted for "section 1914 of title 18" on authority of the Act of Oct. 23, 1962, Pub. L. 87-849, § 2, 76 Stat. 1126.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4112

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2319	July 7, 1958, Pub. L. 85-507, § 23, 72 Stat. 338.

In subsection (a), the words "for each fiscal year" are substituted for "for the fiscal year in which this chapter is enacted and for each succeeding fiscal year".

In subsection (b), the prohibition is restated in positive form.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4113

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 2304	July 7, 1958, Pub. L. 85-507, § 5, 72 Stat. 329
(b)	5 U.S.C. 2317(a)	July 7, 1958, Pub. L. 85-507, § 18(a), 72 Stat. 335.

In subsection (a), the words "Within ninety days after the date of enactment of this Act [July 7, 1958]" are omitted as obsolete.

In subsection (b), the words "training of employees under this chapter" are substituted for "training of employees by, in, and through Government facilities and non-Government facilities under authority of this chapter".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4114

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2314	July 7, 1958, Pub. L. 85-507, § 15, 72 Stat. 334.

The words "modification or" are omitted as redundant.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4115

Derivation: United States Code
5 U.S.C. 2315

Revised Statutes and Statutes at Large
July 7, 1958, Pub. L. 85-507, § 16, 72
Stat. 335.

In the first sentence, the words "from time to time" are omitted as unnecessary. In the second sentence, the word "appropriate" is omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4116

Derivation: United States Code
5 U.S.C. 2316

Revised Statutes and Statutes at Large
July 7, 1958, Pub. L. 85-507, § 17, 72
Stat. 335.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4117

Derivation: United States Code
5 U.S.C. 2301(4)
5 U.S.C. 2318(e)

Revised Statutes and Statutes at Large
July 7, 1958, Pub. L. 85-507, § 2(4),
72 Stat. 328.
July 7, 1958, Pub. L. 85-507, § 19(e),
72 Stat. 336.

Former sections 2301(4) and 2318(e) are combined and restated for clarity.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4118

Derivation: United States Code
5 U.S.C. 2305

Revised Statutes and Statutes at Large
July 7, 1958, Pub. L. 85-507, § 6, 72
Stat. 329.

In subsection (a), the word "appropriate" is omitted as unnecessary. The words "with respect to training by, in, and through Government facilities and non-Government facilities" are omitted as unnecessary.

In subsection (b) (2) and (3), the words "by, in, or through a non-Government facility" are omitted as unnecessary in view of the previous reference in the subsection.

In subsection (c), the words "From time to time" are omitted as unnecessary.

In subsection (d), the prohibition is restated in positive form.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

CHAPTER 43—PERFORMANCE RATING

Sec.

- 4301. Definitions.
- 4302. Performance-rating plans; establishment of.
- 4303. Performance-rating plans; requirements for.
- 4304. Ratings for performance.
- 4305. Review of ratings.
- 4306. Performance-rating plans; inspection of.
- 4307. Other rating procedures prohibited.
- 4308. Regulations.

SECTION 4301

Derivation: United States Code
5 U.S.C. 2001

Revised Statutes and Statutes at Large
Sept. 30, 1950, ch. 1123, § 2, 64 Stat. 1098.
Sept. 1, 1954, ch. 1208, § 601(a), 68 Stat. 1115.
June 17, 1957, Pub. L. 85-56, § 2201 (21), 71 Stat. 159.
July 11, 1957, Pub. L. 85-101, 71 Stat. 293.
Sept. 2, 1958, Pub. L. 85-857, § 13(p), 72 Stat. 1266.
Mar. 26, 1964, Pub. L. 88-290, "Sec. 306(b)", 78 Stat. 170.

In paragraph (1), the term "Executive agency" is substituted for the reference to "executive departments, the independent establishments and agencies in the executive branch, including corporations wholly owned by the United States" and "the General Accounting Office". The exception of "a Government controlled corporation" is added in subparagraph (vii) to preserve the application of this chapter to "corporations wholly owned by the United States". The exceptions for Production credit corporations and Federal intermediate credit banks in former section 2001(b) (5), (6) are omitted as they are no longer "corporations wholly owned by the United States". Under the Farm Credit Act of 1956, 70 Stat. 659, the production credit corporations were merged in the Federal intermediate credit banks, and pursuant to that Act the Federal intermediate credit banks have ceased to be corporations owned by the United States. The exceptions for Federal land banks and banks for cooperatives in former section 2001(b) (7), (8) are omitted as included within the exception of "a Government controlled corporation" in subparagraph (vii).

Paragraph (2) is supplied because the definition of "employee" in section 2105 does not encompass individuals employed by the government of the District of Columbia. The definition in paragraph (2) does not encompass members of the uniformed services as they are not "employed" in or under an agency.

Paragraph (2)(E) is based on the third and fifth sentences, respectively, of former sections 1010 and 1011, which are carried into sections 5362 and 559, respectively, and section 1106(a) of the Act of Oct. 28, 1949, ch. 782, 63 Stat. 972.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4302

Derivation: United States Code
5 U.S.C. 2002

Revised Statutes and Statutes at Large
Sept. 30, 1950, ch. 1123, § 3, 64 Stat. 1098.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4303

Derivation: United States Code
5 U.S.C. 2004

Revised Statutes and Statutes at Large
Sept. 30, 1950, ch. 1123, § 5, 64 Stat. 1098.

The words "required by this chapter" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4304

Derivation: United States Code
5 U.S.C. 2005

Revised Statutes and Statutes at Large
Sept. 30, 1950, ch. 1123, § 6, 64 Stat.
1099.

In subsection (a)(1), the words "corresponding to an efficiency rating of 'good' under the Veterans' Preference Act of 1944, as amended, and under laws superseded by this chapter" in clause (1) of former section 2005 are omitted, but are carried into section 3502.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4305

Derivation: United States Code
5 U.S.C. 2006

Revised Statutes and Statutes at Large
Sept. 30, 1950, ch. 1123, § 7, 64 Stat.
1099.

In subsection (c), the words "as a matter of right" are omitted as unnecessary.

In subsection (d), the words "are entitled" are substituted for "shall be afforded an opportunity". The word "considers" is substituted for "deems to be".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4306

Derivation: United States Code
5 U.S.C. 2007 (less (a))

Revised Statutes and Statutes at Large
Sept. 30, 1950, ch. 1123, § 8 (less (a)),
64 Stat. 1099.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4307

Derivation: United States Code
5 U.S.C. 2003

Revised Statutes and Statutes at Large
Sept. 30, 1950, ch. 1123, § 4, 64 Stat.
1098.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4308

Derivation: United States Code
5 U.S.C. 2007(a)

Revised Statutes and Statutes at Large
Sept. 30, 1950, ch. 1123, § 8(a), 64
Stat. 1099.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report;

CHAPTER 45—INCENTIVE AWARDS

Sec.

- 4501. Definitions.
- 4502. General provisions.
- 4503. Agency awards.
- 4504. Presidential awards.
- 4505. Awards to former employees.
- 4506. Regulations.

SECTION 4501

Derivation: United States Code
5 U.S.C. 2122

Revised Statutes and Statutes at Large
Sept. 1, 1954, ch. 1208, § 303, 68 Stat.
1113.
Aug. 18, 1959, Pub. L. 86-168,
§ 202(d), 73 Stat. 389.

In paragraph (1), the term "Executive agency" is coextensive with and substituted for "executive department or independent agency in the executive branch of the Government including a Government-owned or controlled corporation" in view of the definition of "Executive agency" in section 105. Application to the General Accounting Office (included in the term "Executive agency") is based on former section 933a.

Paragraph (2) is supplied because the definition of "employee" in section 2105 does not encompass individuals employed by the government of the District of Columbia.

Paragraph (3) is supplied for clarity and convenience.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4502

Derivation: United States Code
5 U.S.C. 2123 (d), (e), (g)

Revised Statutes and Statutes at Large
Sept. 1, 1954, ch. 1208, § 304 (d), (e),
(g), 68 Stat. 1113.

In subsections (a) and (b), the words "cash award" are substituted for "monetary award" and "such award" to conform to the remainder of the chapter.

In subsection (c), the word "Government" is substituted for "Government of the United States or the government of the District of Columbia" in view of the definition of "Government" in section 4501.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4503

Derivation: United States Code
5 U.S.C. 2123(a)

Revised Statutes and Statutes at Large
Sept. 1, 1954, ch. 1208, § 304(a), 68
Stat. 1113.

The word "employee" is substituted for "civilian officers and employees of the Government" in view of the definition of "employee" in section 4501.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4504

Derivation:	United States Code 5 U.S.C. 2123(b)	Revised Statutes and Statutes at Large Sept. 1, 1954, ch. 1208, § 304(b), 68 Stat. 1113.
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The words "In instances determined by the President to warrant such action" are omitted as surplusage. The word "employee" is substituted for "civilian officers and employees of the Government" in view of the definition of "employee" in section 4501.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4505

Derivation:	United States Code 5 U.S.C. 2123(c)	Revised Statutes and Statutes at Large Sept. 1, 1954, ch. 1208, § 304(c), 68 Stat. 1113.
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The words "or grant" are added for clarity.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 4506

Derivation:	United States Code 5 U.S.C. 2121 (1st 29 words)	Revised Statutes and Statutes at Large Sept. 1, 1954, ch. 1208, § 302 (1st 29 words), 68 Stat. 1112.
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Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Subpart D—Pay and Allowances

CHAPTER 51—CLASSIFICATION

Sec.

- 5101. Purpose.
- 5102. Definitions; application.
- 5103. Determination of applicability.
- 5104. Basis for grading positions.
- 5105. Standards for classification of positions.
- 5106. Basis for classifying positions.
- 5107. Classification of positions.
- 5108. Classification of positions at GS-16, 17, and 18.
- 5109. Positions classified by statute.
- 5110. Review of classification of positions.
- 5111. Revocation and restoration of authority to classify positions.
- 5112. General authority of the Civil Service Commission.
- 5113. Classification records.
- 5114. Reports; positions in GS-16, 17, and 18.
- 5115. Regulations.

SECTION 5101

Derivation:	United States Code 5 U.S.C. 1071	Revised Statutes and Statutes at Large Oct. 28, 1949, ch. 782, § 101, 63 Stat. 954.
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The words "and for rates of basic compensation" are omitted as inapplicable to this chapter since the provisions of former chapter 21 relating to rates of basic compensation are carried into subchapter III of chapter 53. The word "officer" is omitted as included in "employee" as defined in section 5102.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5102

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)(1)	5 U.S.C. 1081(a)	Oct. 28, 1949, ch. 782, § 201(a), 63 Stat. 954.
	5 U.S.C. 1082(12)–(20), (32)	Oct. 28, 1949, ch. 782, § 202 (12)–(20), 63 Stat. 954. May 29, 1959, Pub. L. 86–36, § 1, 73 Stat. 63. Sept. 23, 1959, Pub. L. 86–370, § 6(a) (less (4)), 73 Stat. 652.
(a)(3)–(5)	5 U.S.C. 1091	Oct. 28, 1949, ch. 782, § 301, 63 Stat. 957.
(b)	5 U.S.C. 1081(b)	Oct. 28, 1949, ch. 782, § 201(b), 63 Stat. 954.
(c)	5 U.S.C. 1082(1)–(6), (7) (less provisos), (8) (less last 31 words), (9)–(11), (21)–(31), (33)–(35)	Oct. 28, 1949, ch. 782, § 202(1)–(6), (7) (less last 25 words), (8) (less last 31 words), (9)–(11), (21)–(31), 63 Stat. 954. Sept. 1, 1954, ch. 1208, § 105(a) “(7) (less provisos)”, 68 Stat. 1106. June 17, 1957, Pub. L. 85–56, § 2201(20), 71 Stat. 159. July 25, 1958, Pub. L. 85–550, § 16(a), (b)(1), 72 Stat. 411. Sept. 2, 1958, Pub. L. 85–857, § 13(o), 72 Stat. 1266. July 17, 1959, Pub. L. 86–91, § 3, 73 Stat. 213. Sept. 23, 1959, Pub. L. 86–370, § 6(a) (4), 73 Stat. 652. Sept. 13, 1960, Pub. L. 86–769, § 4, 74 Stat. 912.
(d)	5 U.S.C. 1084(b)	Oct. 28, 1949, ch. 782, § 204(b), 63 Stat. 957.

The section is reorganized and restated for clarity.

In subsection (a)(1)(i), the exception of “a Government controlled corporation” is added to preserve the application of this chapter to “corporations wholly owned by the United States”. This is necessary as the defined term “Executive agency” includes the defined term “Government corporation” and the latter includes both Government owned and controlled corporations. Thus the exclusion of Government controlled corporations, which are distinct from wholly owned corporations, operates to preserve the application of the chapter to wholly owned corporations.

In subsection (a)(1)(vii), the words “Panama Canal Company” are substituted for “Panama Railroad Company” on authority of the Act of Sept. 26, 1950, ch. 1049, § 2(a)(2), 64 Stat. 1038.

The exception for the Inland Waterways Corporation in former section 1082(13) is omitted on authority of the Act of July 19, 1963, Pub. L. 88–67, 77 Stat. 81.

The exceptions for Production Credit Corporations and Federal Intermediate Credit Banks in former section 1082 (18) and (19) are omitted as they are no longer “corporations wholly owned by the United States”. Under the Farm Credit Act of 1956, 70 Stat. 659, the Production Credit Corporations were merged in the Federal Intermediate Credit Banks, and pursuant to that Act the Federal Inter-

mediate Credit Banks have ceased to be corporations wholly owned by the United States.

Subsection (a)(2) is added for clarity. The reference to "an individual employed in or under an agency" includes both officers and employees of an agency.

In subsection (a)(5), the words "in the General Schedule" are substituted for the reference in former section 1091(3) to "as specified in subchapter V of this chapter".

In subsection (b), the reference to former section 1085 is omitted as unnecessary. Former section 1085 which exempted certain agencies from former sections 1151-1153 is carried into section 305.

In subsection (c)(1), the words "chapter 45 of title 39" are substituted for the reference in former section 1082(1) to "chapter 23 of title 39" on authority of the Act of July 10, 1955, ch. 137, § 805, 69 Stat. 130, and the Act of Sept. 2, 1960, Pub. L. 86-682, § 5, 74 Stat. 705.

In subsection (c)(2)(B), the words "this chapter" are substituted for the reference in former section 1082(2)(B) to "the Classification Act of 1923, as amended," on authority of section 1106 of the Act of Oct. 28, 1949, 63 Stat. 972, and technical section 7(b).

In subsection (c)(4), the words "chapter 15 of title 31, District of Columbia Code" are substituted for the reference in former section 1082(4) to "the District of Columbia Teachers Salary Act of 1947, as supplemented by Public Law 151, Eighty-first Congress, approved June 30, 1949" on authority of the provisions contained therein. The words "District of Columbia Court of General Sessions" and "District of Columbia Court of Appeals" are substituted for "Municipal Court for the District of Columbia" and "Municipal Court of Appeals for the District of Columbia", respectively, on authority of D.C. Code §§ 11-902 and 11-702. The exception for judges of the Juvenile Court of the District of Columbia is based on D.C. Code § 11-1502.

In subsection (c)(5), the word "officers" is omitted as included in "member".

In subsection (c)(10), the words "sections 6952 and 7478 of title 10", "section 7044 of title 10", and "section 7043 of title 10" are substituted for the references in former section 1082(10) to "section 1071 of title 34", "sections 1076-1076f of title 34", and "section 1074 of title 34", respectively, on authority of the Act of Aug. 10, 1956, ch. 1041, § 49(b), 70A Stat. 640.

In subsection (c)(11), the words "the United States" are substituted for "the several States and the District of Columbia".

In subsection (c)(14), the words "employees necessary for the transaction of the business of the Service at canteens, warehouses, and storage depots whose employment is authorized by section 4202 of title 38" are substituted for the reference in former section 1082(23) to "positions which are exempt from this chapter, pursuant to section 4202 of title 38".

In subsection (c)(16), the reference to "section 4114 of title 38" is substituted for the reference in former section 1082(25) to "section 4114(b) of title 38" to reflect the pay fixing authority contained in subsection (a)(1) of section 4114.

In subsection (c)(22), the words "as defined by section 901 of title 20" are substituted for "as defined in the Defense Department Overseas Teachers Pay and Personnel Practices Act" on authority of

former section 2351, which is scheduled for transfer to section 901 of title 20.

In subsection (c)(25), the word "schedule" is omitted since section 603 of the Act of Oct. 11, 1962, Pub. L. 87-793, 76 Stat. 847, eliminated the necessity of referring to rates as scheduled or longevity. The words "for GS-18" are substituted for "of the highest grade established by this chapter".

The second sentence of subsection (d) is based on former section 1084(c), which is carried into section 5103.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5103

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1083	Oct. 28, 1949, ch. 782, § 203, 63 Stat. 956.
	5 U.S.C. 1084(c)	Oct. 28, 1949, ch. 782, § 204(c), 63 Stat. 957. Sept. 1, 1954, ch. 1208, § 105(b), 68 Stat. 1106.

Former sections 1083 and 1084(c) are combined and restated for clarity. The words "hereinafter referred to as the Commission" in former section 1083 are omitted as unnecessary. The exception from "section 1082 (except paragraph (7) thereof)" in former section 1084(c) is carried into section 5102(d).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5104

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1111	Oct. 28, 1949, ch. 782, § 601, 63 Stat. 959. Sept. 1, 1954, ch. 1208, § 107, 68 Stat. 1108.
	5 U.S.C. 1112	Oct. 28, 1949, ch. 782, § 602, 63 Stat. 959. Sept. 1, 1954, ch. 1208, § 108, 68 Stat. 1108. June 20, 1958, Pub. L. 85-462, § 13(a), 72 Stat. 214.

Former sections 1111 and 1112 are combined and restated.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5105

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1094	Oct. 28, 1949, ch. 782, § 401, 63 Stat. 957.

The section is restated for clarity.

In subsection (b), the requirement that the Commission keep the standards up to date is omitted as included in the requirement that the Commission revise, supplement, or abolish existing standards, or prepare new standards so as to keep them current as nearly as practicable.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5106

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a), (b)	5 U.S.C. 1092	Oct. 28, 1949, ch. 782, § 302, 63 Stat. 957.
(c)	5 U.S.C. 1093	Oct. 28, 1949, ch. 782, § 303, 63 Stat. 957.

In subsection (c), the prohibition is restated in positive form. The words "to pay" are substituted for the words "to pay the compensation of". The words "the group, section, bureau" are omitted as included in the words "the organization unit". The word "actually" in the phrase "of the supervision exercised" is omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5107

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1102(a)	Oct. 28, 1949, ch. 782, § 502(a), 63 Stat. 958.

The words "to which this chapter applies" are omitted as unnecessary in view of section 5102. The words "Subject to section 5337 of this title" are added to reflect the qualification imposed by that section.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5108

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a), (b), (c)(1)-(7), (d)	5 U.S.C. 1105(a)-(h), (j)-(l)	Oct. 28, 1949, ch. 782, § 505, 63 Stat. 959. Sept. 1, 1954, ch. 1208, § 101(a), 68 Stat. 1105. June 28, 1955, ch. 189, § 12(a), 69 Stat. 179. July 31, 1956, ch. 804, § 502, 70 Stat. 762. Aug. 14, 1957, Pub. L. 85-136, 71 Stat. 352. June 20, 1958, Pub. L. 85-462, §§ 10 (less "(i)"), 11, 72 Stat. 213, 213A. Sept. 23, 1959, Pub. L. 86-370, § 2(a), (b), 73 Stat. 650. Sept. 23, 1959, Pub. L. 86-377, § 1(a), 73 Stat. 700. July 1, 1960, Pub. L. 86-568, § 203, 74 Stat. 305. Sept. 26, 1961, Pub. L. 87-322, § 1, 75 Stat. 685. Oct. 4, 1961, Pub. L. 87-367, §§ 102 (a), (b), 103(1), 75 Stat. 786, 787. Oct. 11, 1962, Pub. L. 87-793, § 606, 76 Stat. 848. Aug. 14, 1964, Pub. L. 88-426, § 103(b), 78 Stat. 402.
(c)(8)	5 U.S.C. 298a	July 7, 1955, ch. 279, § 201 (2d proviso on p. 273), 69 Stat. 273. Oct. 11, 1962, Pub. L. 87-793, § 607(b), 76 Stat. 850.
(c)(9)	45 U.S.C. 228j(b)(4) (4th sentence)	Sept. 6, 1958, Pub. L. 85-927, § 3, 72 Stat. 1781.

The section is reorganized for clarity.

In subsection (a)(2), the date "October 4, 1961" is substituted for "the date of enactment of this subparagraph".

In subsection (c)(5), the number "402" is substituted for "407" to reflect the loss of the 5 positions transferred to the National Aeronautics and Space Administration (see next paragraph), and to express the Congressional intent to add 35 positions to the total remaining in the Department of Defense after the transfer of the 5 positions to the National Aeronautics and Space Administration.

Subsection (c)(6) is added on authority of section 302 of the Act of July 29, 1958, Pub. L. 85-568, 72 Stat. 433, 42 U.S.C. 2453, and Transfer Plan, effective March 15, 1960, 25 F.R. 2151, section 2(c) of which in effect transferred from the Department of Defense to the National Aeronautics and Space Administration 5 of the 372 positions authorized to be placed in GS-16, 17, and 18 pursuant to section 1(a) of the Act of Sept. 23, 1959, Pub. L. 86-377, 73 Stat. 700.

In subsection (c)(8), the words "on and after July 7, 1955" are omitted as obsolete.

In subsection (d), the words "subsequent to February 1, 1958" are omitted as obsolete and the words "of the Government" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5109

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 516b (3d sentence)	Apr. 4, 1940, ch. 75, § 2 (3d sentence), 54 Stat. 81.
(b)	5 U.S.C. 3013(a) (10th through 24th words of 1st sentence, and 2d sentence)	Sept. 28, 1959, Pub. L. 86-382, § 14(a) (10th through 24th words of 1st sentence, and 2d sentence), 73 Stat. 716.
(c)	40 U.S.C. 193w	Sept. 23, 1959, Pub. L. 86-379, § 1, 73 Stat. 702.

In subsection (a), the words "section 450d of title 7" are substituted for "this section" to reflect the scheduled transfer of former section 516b to title 7.

In subsection (c), the words "Notwithstanding any other law" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5110

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 1102(b)	Oct. 28, 1949, ch. 782, § 502(b), 63 Stat. 958.
(b)	5 U.S.C. 1103	Oct. 28, 1949, ch. 782, § 503, 63 Stat. 958.

In subsection (b), the words "to which this chapter applies" are omitted as unnecessary in view of section 5102. The words "appropriate officials" and "administrative, certifying, payroll, disbursing, and accounting officials" are substituted for "appropriate officers and employees" and "administrative, certifying, payroll, disbursing, and accounting officers", respectively, to preserve the application to

members of the uniformed services who are excluded from the definition of "officer" and "employee".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5111

Derivation: United States Code
5 U.S.C. 1104

Revised Statutes and Statutes at Large
Oct. 28, 1949, ch. 782, § 504, 63 Stat.
959.

In subsection (a), the words "in whole or in part" are omitted as unnecessary in view of the specific authority to limit the revocation or suspension. The words "The Commission may limit the revocation or suspension to" are substituted for "Such revocations or suspensions may be limited, in the discretion of the Commission, to" to eliminate redundancy.

In subsection (b), the words "After revocation or suspension" are substituted for "After all or part of the authority of the department has been revoked or suspended". The words "may restore" are substituted for "may at any time restore" to eliminate redundancy.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5112

Derivation: United States Code
5 U.S.C. 1101

Revised Statutes and Statutes at Large
Oct. 28, 1949, ch. 782, § 501, 63 Stat.
958.

In subsection (a), the words "which may be exercised at any time in its discretion" are omitted as redundant. The words "is binding on all administrative, certifying, payroll, disbursing, and accounting officials" are substituted for "shall be binding on all administrative, certifying, payroll, disbursing, and accounting officers of the Government" to preserve the application to members of the uniformed services.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5113

Derivation: United States Code
5 U.S.C. 1106

Revised Statutes and Statutes at Large
Oct. 28, 1949, ch. 782, § 506, 63 Stat.
959.

In paragraph (1), the words "to which this chapter applies" are omitted as unnecessary in view of section 5102.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5114

Derivation: United States Code
5 U.S.C. 1105a

Revised Statutes and Statutes at Large
July 31, 1956, ch. 804, § 503, 70 Stat.
762.

In subsection (a), the words "The Civil Service Commission, with respect to positions under section 5108(a) of this title, the head of the agency concerned, with respect to positions under sections 5108(b), (c) and 5109(b) of this title" are substituted for "The United States Civil Service Commission, the Librarian of Congress, the Comptroller

General of the United States, and the Director of the Federal Bureau of Investigation of the Department of Justice, respectively, with respect to those positions within the purview of subsections (b), (c), (d), and (e), respectively, of section 1105 of this title" to reflect the provisions of existing law which are carried into sections 5108 and 5109. The words "which is in effect on or after July 31, 1956" are omitted as obsolete.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5115

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1072	Oct. 28, 1949, ch. 782, § 1101, 63 Stat. 971.
	5 U.S.C. 1072a	Sept. 1, 1954, ch. 1208, § 113, 68 Stat. 1108.

Former sections 1072 and 1072a are combined and restated for clarity. The remainder of the authority is carried into sections 3324, 5338, and 7154.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

CHAPTER 53—PAY RATES AND SYSTEMS

SUBCHAPTER I—PAY COMPARABILITY SYSTEM

Sec.

- 5301. Policy.
- 5302. Annual reports on pay comparability.
- 5303. Higher minimum rates; Presidential authority.
- 5304. Presidential policies and regulations.

SUBCHAPTER II—EXECUTIVE SCHEDULE PAY RATES

Sec.

- 5311. The Executive Schedule.
- 5312. Positions at level I.
- 5313. Positions at level II.
- 5314. Positions at level III.
- 5315. Positions at level IV.
- 5316. Positions at level V.
- 5317. Presidential authority to place positions at levels IV and V.

SUBCHAPTER III—GENERAL SCHEDULE PAY RATES

Sec.

- 5331. Definitions; application.
- 5332. The General Schedule.
- 5333. Minimum rate for new appointments; higher rates for supervisors of wage-board employees.
- 5334. Rate on change of position or type of appointment; regulations.
- 5335. Periodic step-increases.
- 5336. Additional step-increases.
- 5337. Pay saving.
- 5338. Regulations.

SUBCHAPTER IV—PREVAILING RATE SYSTEMS

Sec.

- 5341. Trades and crafts.
- 5342. Crews of vessels.
- 5343. Effective date of pay increase.
- 5344. Retroactive pay.

SUBCHAPTER V—STUDENT-EMPLOYEES

Sec.

- 5351. Definitions.
- 5352. Stipends.
- 5353. Quarters, subsistence, and laundry.
- 5354. Effect of detail or affiliation; travel expenses.
- 5355. Effect on other statutes.
- 5356. Appropriations.

SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

Sec.

- 5361. Scientific and professional positions.
- 5362. Hearing examiners.
- 5363. Limitation on pay fixed by administrative action.
- 5364. Miscellaneous positions in the executive branch.

SECTION 5301

Derivation: United States Code
5 U.S.C. 1171

Revised Statutes and Statutes at Large
Oct. 11, 1962, Pub. L. 87-793, § 502,
76 Stat. 841.

The words "It is the policy of Congress" are substituted for "The Congress hereby declares". The words "whereas the functions of a Federal salary system are to fix salary rates for the services rendered by Federal employees so as to make possible the employment of persons well qualified to conduct the Government's programs and to control expenditures of public funds for personal services with equity to the employee and to the taxpayer, and whereas fulfillment of these functions is essential to the development and maintenance of maximum proficiency in the civilian services of Government, then, accordingly" are omitted as unnecessary.

In the last sentence, the words "and henceforth" are omitted as executed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5302

Derivation: United States Code
5 U.S.C. 1172

Revised Statutes and Statutes at Large
Oct. 11, 1962, Pub. L. 87-793, § 503,
76 Stat. 841.

In paragraph (1), the word "agency" is substituted for "agency or agencies" because the singular imports the plural, see 1 U.S.C. 1.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5303

Derivation: United States Code
5 U.S.C. 1173

Revised Statutes and Statutes at Large
Oct. 11, 1962, Pub. L. 87-793, § 504,
76 Stat. 842.
Aug. 14, 1964, Pub. L. 88-426, § 123,
78 Stat. 412.

In subsection (a), the words "the provisions of this title governing appointment in the competitive service" are substituted for "the civil service laws and regulations".

In subsections (a), (b), and (d), the word "agency" is substituted for "agency or agencies" because the singular imports the plural, see 1 U.S.C. 1.

In subsection (d), the word "officer" is omitted as included in "employee", "agency" is substituted for "department", and "rules" is omitted as included in "regulations".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5304

Derivation: United States Code
5 U.S.C. 1174

Revised Statutes and Statutes at Large
Oct. 11, 1962, Pub. L. 87-793, § 505,
76 Stat. 842.

The words "agencies" and "regulations" are substituted for "departments" and "rules", respectively.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5311

Derivation: United States Code
5 U.S.C. 2210

Revised Statutes and Statutes at Large
Aug. 14, 1964, Pub. L. 88-426, § 302,
78 Stat. 415.

The words "There is hereby established" are omitted as executed. The word "offices" is omitted as included in "positions". The words "Executive Schedule" are substituted for "Federal Executive Salary Schedule".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5312

Derivation: United States Code
5 U.S.C. 2211(a)

Revised Statutes and Statutes at Large
Aug. 14, 1964, Pub. L. 88-426,
§ 303(a), 78 Stat. 416.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5313

Derivation: United States Code
5 U.S.C. 2211(b)
(less (15))

Revised Statutes and Statutes at Large
Aug. 14, 1964, Pub. L. 88-426,
§ 303(b) (less (15)), 78 Stat. 416.

The proviso in paragraph (15) of former section 2211(b) is carried into section 5314. The remainder of paragraph (15) is omitted but not repealed, see Table III.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5314

Derivation: United States Code
(1)-(44) 5 U.S.C. 2211(c) (less (39)
and (46))
(45) 5 U.S.C. 2211(b)(15)
(proviso)

Revised Statutes and Statutes at Large
Aug. 14, 1964, Pub. L. 88-426, § 303(c)
(less (39) and (46)), 78 Stat. 416.
Aug. 14, 1964, Pub. L. 88-426, § 303(b)
(15) (proviso), 78 Stat. 416.

The provisos in paragraphs (39) and (46) of former section 2211(c) are carried into section 5315. The remainders of paragraphs (39) and (46) are omitted but not repealed, see Table III.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5315

Derivation:	United States Code	Revised Statutes and Statutes at Large
(1)-(69)	5 U.S.C. 2211(d)	Aug. 14, 1964, Pub. L. 88-426, § 303(d), 78 Stat. 417.
(70), (71)	5 U.S.C. 2211(c)(39) (proviso), (46) (proviso)	Aug. 14, 1964, Pub. L. 88-426, § 303(c)(39) (proviso), (46) (proviso), 78 Stat. 417.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5316

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2211(e)	Aug. 14, 1964, Pub. L. 88-426, § 303(e), 78 Stat. 419.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5317

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2211(f)	Aug. 14, 1964, Pub. L. 88-426, § 303(f) 78 Stat. 421.

The word "offices" is omitted as included in "positions". The term "Executive agency" is substituted for "Federal department or agency" in view of the definition in section 105. The words "after August 14, 1964" are substituted for "subsequent to the date of enactment of this Act".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5331

The section is added on authority of former sections 1081, 1082, 1084, and 1091, which are carried into section 5102.

SECTION 5332

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 1113 (less (c))	Oct. 28, 1949, ch. 782, § 603 (less (d)), 63 Stat. 965. Oct. 24, 1951, ch. 554, § 1(a), 65 Stat. 612. Sept. 1, 1954, ch. 1208, § 109 (less (c)), 68 Stat. 1108. June 28, 1955, ch. 189, § 2(a), 69 Stat. 172. June 20, 1958, Pub. L. 85-462, § 2(a), 72 Stat. 203. July 1, 1960, Pub. L. 86-568, § 112(a), 74 Stat. 298. Oct. 11, 1962, Pub. L. 87-793, § 602(a), 76 Stat. 843. Aug. 14, 1964, Pub. L. 88-426, § 102(a), 78 Stat. 400.
(b)	5 U.S.C. 1113(c)	Oct. 28, 1949, ch. 782, § 603(d), 63 Stat. 965. Sept. 1, 1954, ch. 1208, § 109(c), 68 Stat. 1108.

In subsection (a), the words “the symbol for which is ‘GS’ ” are added on authority of former section 1111 which is carried into section 5104. So much as related to the Crafts, Protective, and Custodial Schedule is omitted as repealed effective not later than Sept. 11, 1955, by the Act of Sept. 1, 1954, §§ 109(b), 110(b), 68 Stat. 1108.

In subsection (b), reference to payment made on the basis of a “monthly” rate is omitted since section 5504(b), former section 944(c), no longer provides for converting a basic annual rate to a basic monthly rate.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5333

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 1131	Oct. 28, 1949, ch. 782, § 801, 63 Stat. 969. Aug. 14, 1964, Pub. L. 88-426, § 103(a), 78 Stat. 401.
(b)	5 U.S.C. 1133	Oct. 28, 1949, ch. 782, § 803, 63 Stat. 970. Sept. 1, 1954, ch. 1208, § 104, 68 Stat. 1106. Oct. 11, 1962, Pub. L. 87-793, § 604(c), 76 Stat. 848.

In subsection (b), the word “scheduled” is omitted since section 603 of the Act of Oct. 11, 1962, Pub. L. 87-793, 76 Stat. 847, eliminated the necessity of referring to rates as scheduled or longevity.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5334

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)-(d)	5 U.S.C. 1132	Oct. 28, 1949, ch. 782, § 802, 63 Stat. 969. Sept. 1, 1954, ch. 1208, § 112 (as applicable to § 802(b)), 68 Stat. 1108. May 29, 1958, Pub. L. 85-432, § 4(a), (b), 72 Stat. 151. July 31, 1959, Pub. L. 86-122, § 2(a), 73 Stat. 268. Oct. 11, 1962, Pub. L. 87-793, § 604(a), (b), 76 Stat. 847.
(e)	5 U.S.C. 2357	July 17, 1959, Pub. L. 86-91, § 9, 73 Stat. 216.

In subsection (b), the words “under any provision of law” are omitted from the second sentence as unnecessary.

In subsection (e), the words “as defined by section 901 of title 20” are added on authority of former section 2351, which section is scheduled for transfer to section 901 of title 20.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5335

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)-(c)	5 U.S.C. 1121	Oct. 11, 1962, Pub. L. 87-793, § 603 "Sec. 701", 76 Stat. 847.
(d)	5 U.S.C. 1123 (as applicable to 5 U.S.C. 1121)	Oct. 11, 1962, Pub. L. 87-793, § 603 "Sec. 703 (as applicable to § 701)", 76 Stat. 847.

In subsection (a), the words "General Schedule" are substituted for "compensation schedules fixed by this chapter" since the General Schedule is now the only compensation schedule in that chapter. The word "scheduled" is omitted since section 603 of the Act of Oct. 11, 1962, Pub. L. 87-793, 76 Stat. 847, eliminated the necessity of referring to rates as scheduled or longevity.

In subsection (a)(B), the words "except a hearing examiner appointed under section 3105 of this title" are added on authority of the third sentence of former section 1010 and the fifth sentence of former section 1011, which are carried into sections 5362 and 559, respectively, and of section 1106(a) of the Act of Oct. 28, 1949, ch. 782, 63 Stat. 972.

Title VII (sections 701-705) of the Act of Oct. 28, 1949, ch. 782, 63 Stat. 967-969, as amended by the following Acts is omitted from the derivation and repealed (see Table II) as superseded by the Act of Oct. 11, 1962, Pub. L. 87-793, § 603, 76 Stat. 847, which is carried into this section and section 5336:

June 28, 1950, ch. 382 § 2, 64 Stat. 262.

Sept. 30, 1950, ch. 1123, §§ 9, 10, 64 Stat. 1100.

Oct. 24, 1951, ch. 554, § 1(e), 65 Stat. 613.

Sept. 1, 1954, ch. 1208, §§ 102(a), 103(a), 112 (less applicability to § 802(b)), 305(a), 68 Stat. 1105, 1108, 1113.

June 28, 1955, ch. 189, § 2(e), 69 Stat. 175.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5336

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a), (b),	5 U.S.C. 1122	Oct. 11, 1962, Pub. L. 87-793, § 603 "Sec. 702", 76 Stat. 847.
(c)	5 U.S.C. 1123 (less applicability to 5 U.S.C. 1121)	Oct. 11, 1962, Pub. L. 87-793, § 603 "Sec. 703 (less applicability to § 701)", 76 Stat. 847.

For repeal of Title VII (sections 701-705) of the Act of Oct. 28, 1949, ch. 782, 63 Stat. 967-969, as amended, see revision note for section 5335.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5337

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1107	June 18, 1956, ch. 402, 70 Stat. 291. Aug. 23, 1958, Pub. L. 85-737, § 1, 72 Stat. 830. Sept. 21, 1961, Pub. L. 87-270, § 101(a), 75 Stat. 567. Oct. 11, 1962, Pub. L. 87-793, § 605, 76 Stat. 848.

In subsection (a)(1), the words "at any time after June 17, 1956" are omitted as obsolete. The words "in the General Schedule" are substituted for "of a basic compensation schedule of this chapter" since the General Schedule is now the only basic compensation schedule in that chapter. In subsection (a)(2), the words "on the effective date of such reduction in grade" are omitted as unnecessary. The words "a position outside the competitive civil service and the excepted service as an officer or employee of the Library of Congress, of the Architect of the Capitol, of the Botanic Garden," are omitted as contained in "the excepted service" because of the definition of the excepted service in section 2103. The words "or as of the first pay period which begins after August 23, 1958, whichever is later" and "or immediately following the first day of such first pay period, as applicable" are omitted as obsolete.

In subsection (b), the reference in former section 1107(c) to "subsection (b) of this section" is omitted as unnecessary (see next paragraph). The words "occurring on or after July 1, 1954" are omitted as obsolete. The word "scheduled" is omitted since section 603 of the Act of Oct. 11, 1962, Pub. L. 87-793, 76 Stat. 847, eliminated the necessity of referring to rates as scheduled or longevity.

Subsection (b) of former section 1107, relating to pay saving for persons reduced in grade during the period beginning July 1, 1954, and ending July 17, 1956, is omitted as obsolete and executed. Any existing rights thereunder are preserved by technical section 8.

Subsection (d) of former section 1107, authorizing the Commission to issue regulations, is omitted in view of the authority to regulate contained in section 5338.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5338

The section is added on authority of former sections 1072 and 1072a, which are carried into section 5115.

SECTION 5341

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1082(7) (provisos)	Oct. 28, 1949, ch. 782, § 202(7) (last 25 words), 63 Stat. 955. Sept. 1, 1954, ch. 1208, § 105(a) "(7) (provisos)", 68 Stat. 1106.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5342

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 1082(8) (last 31 words)	Oct. 28, 1949, ch. 782, § 202(8) (last 31 words), 63 Stat. 955.
(b)	5 U.S.C. 946	June 30, 1945, ch. 212, § 606, 59 Stat. 304. May 24, 1946, ch. 270, § 8(b), 60 Stat. 218.

In subsection (b), the text of former section 946, except the last 21 words, is omitted as included in the text of former section 1082(8).

Because of the specific exception of the Panama Canal Company in former section 1082(20), the provision of the last 21 words of former section 946 is not considered as included in former section 1082(8) and is carried into this subsection. The words "Panama Canal Company" are substituted for "Panama Railroad Company" on authority of the Act of Sept. 26, 1950, ch. 1049, § 2(a)(2), 64 Stat. 1038.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5343

Derivation: United States Code
5 U.S.C. 1181

Revised Statutes and Statutes at Large
Sept. 2, 1958, Pub. L. 85-872, § 1, 72 Stat. 1696.

The word "employees" is substituted for "employees of the Federal Government or of the municipal government of the District of Columbia" since the employees whose pay is fixed and adjusted under the cited sections are employees of the Federal Government or the municipal government of the District of Columbia.

The words "from time to time as nearly as is consistent with the public interest in accordance with prevailing rates" are omitted as unnecessary.

The words "or section 7474 of title 10" are omitted since the source law for section 7474 of title 10 (section 8 of the Act of Dec. 21, 1861, ch. 1, as amended (12 Stat. 587)) was impliedly superseded and repealed by sections 202(7) and 1204 of the Classification Act of 1949, as amended (5 U.S.C. 1082(7)) and, accordingly, was erroneously codified in title 10. Section 7474 of title 10 is scheduled for repeal by this bill, see Table II-d.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5344

Derivation: United States Code
5 U.S.C. 1182 (less (b))

Revised Statutes and Statutes at Large
Sept. 2, 1958, Pub. L. 85-872, § 2 (less (b)), 72 Stat. 1696.

In subsection (a)(2), the words "in accordance with the provisions of sections 61f-61k of this title" are omitted as unnecessary in view of the mandatory language of those sections. In addition, the retroactive pay under this subsection is included in the definition of "money due" appearing in section 5581(2)(I), former section 61g.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5351

Derivation: United States Code
5 U.S.C. 1052

Revised Statutes and Statutes at Large
Aug. 4, 1947, ch. 452, § 2, 61 Stat. 727.

The section is restated in definition form. In paragraph (1), the words "an Executive agency, a military department" are coextensive with and substituted for "department, agency, or instrumentality of the Federal Government" in view of the definitions in sections 105 and 102.

The exception from the Classification Act of 1923, as amended, is omitted as obsolete and superseded by the Classification Act of 1949, as amended, which is carried into this title. The present exception from the Classification Act of 1949, as amended, is carried into section 5102(c)(16).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5352

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1051 (1st sentence)	Aug 4, 1947, ch. 452, § 3 (1st sentence), 61 Stat. 727.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5353

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1051 (less 1st sentence)	Aug. 4, 1947, ch. 452, § 3 (less 1st sentence), 61 Stat. 727.

The section is restated for clarity.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5354

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1055	Aug. 4, 1947, ch. 452, § 6, 61 Stat. 728.

In subsection (b), the reference to "subchapter I of chapter 57 of this title" is substituted for the reference to "the Standardized Government Travel Regulations and the provisions of the Subsistence Expense Act of 1926, as amended" as the Subsistence Expense Act of 1926 was repealed by section 9(a) of the Travel Expense Act of 1949, 63 Stat. 167, part of which appeared in former section 842 and is carried into section 5708, and as the authority for the Standardized Government Travel Regulations in former section 840 is carried into section 5707 of subchapter I of chapter 57.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5355

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1057	Aug. 4, 1947, ch. 452, § 8, 61 Stat. 728. June 17, 1957, Pub. L. 85-56, § 2201 (19), 71 Stat. 159. Sept. 2, 1958, Pub. L. 85-857, § 13(m), 72 Stat. 1265.

The prohibition is restated in positive form.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5356

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1058	Aug. 4, 1947, ch. 452, § 9, 61 Stat. 728.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5361

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1162 (b)	Oct. 4, 1961, Pub. L. 87-367, § 202 "Sec. 2(b)", 75 Stat. 790. Oct. 11, 1962, Pub. L. 87-793, § 1001 (a) (1), 76 Stat. 863.

The authority to fix rates of pay is added on authority of former section 1161, which is carried into section 3104.

For repeal of the Act of Aug. 1, 1947, ch. 433, 61 Stat. 715, as amended, see revision note for section 3104.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5362

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1010 (3d sentence)	June 11, 1946, ch. 324, § 11 (3d sentence), 60 Stat. 244.

The exception from the operation of the efficiency rating system is omitted as covered by sections 4301(2)(E) and 5335(a)(B). The reference to "subchapter III of this chapter and chapter 51 of this title" is substituted for "the Classification Act of 1923, as amended" on authority of section 1106(a) of the Act of Oct. 28, 1949, ch. 782, 63 Stat. 972.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5363

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2212	Aug. 14, 1964, Pub. L. 88-426, § 308, 78 Stat. 432. Oct. 6, 1964, Pub. L. 88-631, § 3(e), 78 Stat. 1008.

The words "head of an Executive agency or military department" are coextensive with and substituted for "head of any executive department, independent establishment, or agency in the executive branch" because of the definitions in sections 102 and 105.

Standard changes are made to conform to the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5364

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2213	Aug. 14, 1964, Pub. L. 88-426, § 309, 78 Stat. 433.

The word "office" is omitted as included in "position". The words "before August 14, 1964" are substituted for "prior to the date of enactment of this Act". The words pursuant to section 303 of this Act" are omitted as surplusage.

Standard changes are made to conform to the definitions applicable and the style of this title as outlined in the preface to the report.

CHAPTER 55—PAY ADMINISTRATION**SUBCHAPTER I—GENERAL PROVISIONS**

Sec.

- 5501. Disposition of money accruing from lapsed salaries or unused appropriations for salaries.
- 5502. Unauthorized office; prohibition on use of funds.
- 5503. Recess appointments.
- 5504. Biweekly pay periods; computation of pay.
- 5505. Monthly pay periods; computation of pay.
- 5506. Computation of extra pay based on standard or daylight saving time.
- 5507. Officer affidavit; condition to pay.
- 5508. Officer entitled to leave; effect on pay status.
- 5509. Appropriations.

SUBCHAPTER II—WITHHOLDING PAY

Sec.

- 5511. Withholding pay; employees removed for cause.
- 5512. Withholding pay; individuals in arrears.
- 5513. Withholding pay; credit disallowed or charge raised for payment.
- 5514. Installment deduction for indebtedness because of erroneous payment.
- 5515. Crediting amounts received for jury service in State courts.
- 5516. Withholding District of Columbia income taxes.
- 5517. Withholding State income taxes.
- 5518. Deductions for State retirement systems; National Guard employees.

SUBCHAPTER III—ADVANCEMENT, ALLOTMENT, AND ASSIGNMENT OF PAY

Sec.

- 5521. Definitions.
- 5522. Advance payments; rates; amounts recoverable.
- 5523. Duration of payments; rates; active service period.
- 5524. Review of accounts.
- 5525. Allotment and assignment of pay.
- 5526. Funds available on reimbursable basis.
- 5527. Regulations.

SUBCHAPTER IV—DUAL PAY AND DUAL EMPLOYMENT

Sec.

- 5531. Definitions.
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SECTION 5501

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 50 (1st sentence; and 2d sentence, so much as relates to removal)	Aug. 5, 1882, ch. 389, § 4 (297th through 316th words), 22 Stat. 255. Aug. 23, 1912, ch. 350, § 5 (so much as relates to removal), 37 Stat. 414.

In the last sentence, the word “removed” is substituted for “summarily removed” because of the provisions of the Lloyd-LaFollette Act, 37 Stat. 555, as amended, and the Veterans’ Preference Act of 1944, 58 Stat. 387, as amended, which are carried into this title.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5502

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 52	R.S. § 1760.
(b)	5 U.S.C. 85	July 1, 1898, ch. 546, § 1 (3d proviso on p. 644), 30 Stat. 644.

In subsection (a), the words “in the civil service or uniformed services” are substituted for “civil, military, or naval”.

In subsection (b), the words “Except as otherwise provided by statute” are added in recognition of the Act of Aug. 25, 1958, Pub. L.

85-745, 72 Stat. 838, which authorizes an office staff for former Presidents. The reference to "public money and appropriations" is added for clarity.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5503

Derivation: United States Code
5 U.S.C. 56

Revised Statutes and Statutes at Large
R.S. § 1761.
July 11, 1940, ch. 580, 54 Stat. 751.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5504

Derivation: United States Code

(a) 5 U.S.C. 944(b), (d) (last 27 words, as applicable to subsection (b))

(b) 5 U.S.C. 944 (c), (d) (last 27 words, less applicability to subsection (b))

Revised Statutes and Statutes at Large

June 30, 1945, ch. 212, § 604 (b), (e) (last 27 words, as applicable to subsection (b)), 59 Stat. 303, 304.
July 31, 1959, Pub. L. 86-122, § 1, 73 Stat. 268.

June 30, 1945, ch. 212, § 604 (d), (e) (last 27 words, less applicability to subsection (b)), 59 Stat. 303, 304.
Oct. 28, 1949, ch. 782, § 1203, 63 Stat. 973.
June 20, 1958, Pub. L. 85-462, § 15, 72 Stat. 214.
Aug. 14, 1964, Pub. L. 88-426, § 103(c), 78 Stat. 402.

In subsection (a), the words "Beginning not later than October 1, 1945" are omitted as executed. Paragraphs (1) and (3) are substituted for the words "all officers and employees of the organizations referred to in subsection (a) of this section". In paragraph (A), the words "Canal Zone Government" and "Panama Canal Company" are substituted for "The Panama Canal" and "Panama Railroad Company" on authority of the Act of Sept. 26, 1950, ch. 1049, § 2(a), 64 Stat. 1038. Paragraph (B) is added on authority of former section 902, which is carried into section 5541.

In subsection (b), the exception in the last sentence is added on authority of former section 902, which is carried into section 5541.

Subsection (c) is added on authority of former section 945, which is carried into section 5548.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5505

Derivation: United States Code
5 U.S.C. 84

Revised Statutes and Statutes at Large
June 30, 1906, ch. 3914, § 6, 34 Stat. 763.
June 30, 1945, ch. 212, § 604(c) (2d sentence), 59 Stat. 303.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5506

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 914	Sept. 7, 1949, ch. 538, § 2, 63 Stat. 690.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5507

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 21b	Dec. 11, 1926, ch. 4, § 2, 44 Stat. 919.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5508

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2061(c)(1) (last sentence)	July 2, 1953, ch. 178, § 1 “(c)(1) (last sentence)”, 67 Stat. 136.

The words “including an officer of a corporation wholly owned or controlled by the United States” are omitted as unnecessary in view of the definition of “officer” in section 2104.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5509

Derivation:	United States Code	Revised Statutes and Statutes at Large
	[Uncodified]	June 30, 1945, ch. 212, § 609, 59 Stat. 306.
	[Uncodified]	Oct. 28, 1949, ch. 782, § 1107, 63 Stat. 972.
	[Uncodified]	Sept. 30, 1950, ch. 1123, § 13, 64 Stat. 1100.
	42 U.S.C. 1370	Sept. 1, 1954, ch. 1212, § 4(a) “Sec. 1510”, 68 Stat. 1135.
	[Uncodified]	Sept 6, 1960, Pub L 86-707, § 501(a), 74 Stat 800.

The remainder of the authority for this section is implied from the statutes from which this title is derived.

SECTION 5511

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 46a	Feb. 24, 1931, ch. 287, 46 Stat. 1415.

In subsection (a), the words “From and after February 24, 1931” are omitted as executed. The word “employee” is coextensive with and substituted for “civil employee of the United States” in view of the definition of “employee” in section 2105.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5512

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 82	R.S. § 1766.

In subsection (b), reference to the “General Accounting Office” is substituted for “accounting officers of the Treasury” on authority of

the Act of June 10, 1921, ch. 18, title III, 42 Stat. 23. The words "on request of" are substituted for "if required to do so by" as more accurately reflecting the intent. Reference to the "Attorney General" is substituted for "Solicitor of the Treasury" and "Solicitor" on authority of section 16 of the Act of March 3, 1933, ch. 212, 47 Stat. 1517; section 5 of E.O. 6166, June 10, 1933; and section 1 of 1950 Reorg. Plan No. 2, 64 Stat. 1261.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5513

Derivation: United States Code
5 U.S.C. 46b

Revised Statutes and Statutes at Large
May 26, 1936, ch. 452, 49 Stat. 1374.
Aug. 3, 1950, ch. 515, 64 Stat. 393.

The words "On and after May 26, 1936" are omitted as executed. The word "official" is substituted for "officer" and "officers" as the definition of "officer" in section 2104 excludes a member of a uniformed service. The words "from the United States or from an agency or instrumentality thereof" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5514

Derivation: United States Code
5 U.S.C. 46d
5 U.S.C. 46e

Revised Statutes and Statutes at Large
July 15, 1954, ch. 509, §§ 1, 2, 4, 68
Stat. 482, 483.

In subsection (a), the words "an employee, a member of the armed forces, or a Reserve of the armed forces" are coextensive with and substituted for "an employee of the United States or any member of the Army, Navy, Air Force, Marine Corps, or Coast Guard, or a reserve component thereof" in view of the definitions in sections 2101 and 2105. The words "basic compensation" are omitted as included in "basic pay".

In subsection (c), the words "section 4837(d) or 9837(d) of title 10 or section 1007 (b), (c) of title 37" are substituted for "the provisions of the Act of May 22, 1928 (ch. 676, 45 Stat. 698)" in section 4 of the Act of July 15, 1954, on authority of the Acts of Aug. 10, 1956, ch. 1041, § 49(b), 70A Stat. 640, and Sept. 7, 1962, Pub. L. 87-649, § 12 (b), 76 Stat. 497.

SECTION 5515

Derivation: United States Code
5 U.S.C. 30p

Revised Statutes and Statutes at Large
June 29, 1940, ch. 446, § 3, 54 Stat. 689.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5516

Derivation: United States Code
[Uncodified]

Revised Statutes and Statutes at Large
Mar. 31, 1956, ch. 154, § 11 "(k)", 70
Stat. 77.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5517

Derivation: United States Code
5 U.S.C. 84b

Revised Statutes and Statutes at Large
July 17, 1952, ch. 940, § 1, 66 Stat. 765.
Sept. 23, 1959, Pub. L. 86-371 "Sec.
1", 73 Stat. 653.
July 17, 1952, ch. 940, § 2, 66 Stat. 766.
Sept. 23, 1959, Pub. L. 86-371 "Sec.
2", 73 Stat. 653.

5 U.S.C. 84c

In subsection (b), the words "after March 31, 1959" are omitted as executed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5518

Derivation: United States Code
5 U.S.C. 84d

Revised Statutes and Statutes at Large
June 15, 1956, ch. 390, 70 Stat. 283.
Sept. 13, 1961, Pub. L. 87-224, § 1, 75
Stat. 496.

The words "individuals employed by" and the word "individuals" are substituted for "civilian employees of" and "employees", respectively, in view of the definition of "employee" in section 2105 which is limited to those employed by the Government of the United States. The word "civilian" is omitted as unnecessary as military personnel are not "employed". The words "disbursing officials" are substituted for "disbursing officers" as the definition of "officer" in section 2104 excludes a member of a uniformed service.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5521

Derivation: United States Code
5 U.S.C. 3071

Revised Statutes and Statutes at Large
Sept. 26, 1961, Pub. L. 87-304, § 1, 75
Stat. 662.
June 24, 1965, Pub. L. 89-47, 79 Stat.
171.

In paragraph (1), the word "agency" is substituted for "department". The term "Executive agency" is substituted for the reference to "each executive department of the Government of the United States of America; each agency or independent establishment in the executive branch of such Government; each corporation wholly owned or controlled by such Government" in former section 3071(1)(A)-(C).

Paragraph (2) is added for clarity and in view of the fact that the definition of "employee" in section 2105 does not include individuals employed by the government of the District of Columbia.

In paragraph (3), the term "department head" is omitted as unnecessary.

In paragraph (4), the words "of the United States of America" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5522

Derivation: United States Code
5 U.S.C. 3072

Revised Statutes and Statutes at Large
Sept. 26, 1961, Pub. L. 87-304, § 2, 75
Stat. 662.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5523

Derivation: United States Code
5 U.S.C. 3073

Revised Statutes and Statutes at Large
Sept. 26, 1961, Pub. L. 87-304, § 3, 75
Stat. 663.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5524

Derivation: United States Code
5 U.S.C. 3074

Revised Statutes and Statutes at Large
Sept. 26, 1961, Pub. L. 87-304, § 4, 75
Stat. 663.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5525

Derivation: United States Code
5 U.S.C. 3075

Revised Statutes and Statutes at Large
Sept. 26, 1961, Pub. L. 87-304, § 5, 75
Stat. 663.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5526

Derivation: United States Code
5 U.S.C. 3078

Revised Statutes and Statutes at Large
Sept. 26, 1961, Pub. L. 87-304, § 8, 75
Stat. 664.

The word "civilian" is omitted as unnecessary in view of the definition of "employee" in section 5521(2), and the fact that military personnel are not "employed".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5527

Derivation: United States Code
5 U.S.C. 3076

Revised Statutes and Statutes at Large
Sept. 26, 1961, Pub. L. 87-304, § 6, 75
Stat. 664.

In subsection (b), the last sentence of former section 3076, which provided for the issuance of the regulations not later than December 25, 1961, and the effective date of the regulations as not later than March 25, 1962, is omitted as executed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5531

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 3101 (as applicable to 5 U.S.C. 3102 (a)-(e) and 3105 (less (e)))	Aug. 19, 1964, Pub. L. 88-448, § 101 (as applicable to §§ 201(a)-(e) and 301 (less (e))), 78 Stat. 484.

In paragraph (2), the defined word "position" is substituted for "civilian office". The words "Government corporation" are substituted for "corporation owned or controlled by such Government" in view of the definition in section 103.

The definitions of "uniformed services" and "armed forces" are omitted as unnecessary in view of the definitions in section 2101.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5532

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 3102(a)-(e)	Aug. 19, 1964, Pub. L. 88-448, § 201 (a)-(e), 78 Stat. 484.

The word "position" is substituted for "civilian office" throughout the section to conform to the definition in section 5531.

In subsection (d), the words "and issue" are omitted as surplusage.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5533

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 3105 (less (e))	Aug. 19, 1964, Pub. L. 88-448, § 301 (less (e)), 78 Stat. 488.

In subsection (a), the words "an individual" are substituted for "civilian personnel".

In subsection (b), the words "and issue" are omitted as surplusage.

In subsection (c), the words "appropriated funds are not" are substituted for "no funds appropriated by any Act shall be". The words "\$2,000 a year" are substituted for "the sum of \$2,000 per annum".

In subsection (d)(7)(D), reference to "section 907 of title 20" is substituted for 5 U.S.C. 3105(d)(7)(F) to reflect the scheduled transfer of 5 U.S.C. 2358(b) to title 20.

In subsection (d)(7)(H), the words "of chapter 7" are omitted as surplusage.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5534

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 30r(c) (1st sentence)	Aug. 10, 1956, ch. 1041, § 29(c) (1st sentence), 70A Stat. 632.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5535

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 9	R.S. § 182.
(b)	5 U.S.C. 69 (1st 34 words)	R.S. § 1764 (1st 34 words).
	5 U.S.C. 72	Aug. 1, 1914, ch. 223, § 12, 38 Stat. 680.

Subsection (a) was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, § 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579 (former 5 U.S.C. 171-1), which provides "Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense" is omitted from this title but is not repealed.

In subsection (a), the words "regular office" are coextensive with and substituted for "proper office".

In subsection (b), former sections 69 (1st 34 words) and 72 are combined and restated for clarity and conciseness. The word "employee" is coextensive with and substituted for "officer or clerk" "officer or clerk in the same or any other department", and "person employed in the service of the United States". The words "under any general or lump-sum appropriation" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5536

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 51	R.S. § 170.
	5 U.S.C. 69 (less 1st 34 words)	R.S. § 1764 (less 1st 34 words).
	5 U.S.C. 70	R.S. § 1765.
	5 U.S.C. 71	June 20, 1874, ch. 328, § 3, 18 Stat. 109. Sept. 3, 1954, ch. 1263, § 7, 68 Stat. 1228.

Sections are consolidated as R.S. § 1765 includes the scope of R.S. § 170, R.S. § 1764, and the Act of June 20, 1874, as amended. So much of R.S. § 1764 as relates to details is covered by section 5535.

R.S. § 170 was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, § 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579 (former 5 U.S.C. 171-1), which provides "Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense" is omitted from his title but is not repealed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5537

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 30o	June 29, 1940, ch. 446, § 2, 54 Stat. 689.

The words "fees for jury service" are coextensive with and substituted for "compensation for such service".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5541

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 901(a), (d), (e)	June 30, 1945, ch. 212, § 101(a), (d), (e), 59 Stat. 295, 296. Sept. 1, 1954, ch. 1208, § 202(a), 68 Stat. 1109.
	5 U.S.C. 902 (less clause (1) and last sentence of (a))	June 30, 1945, ch. 212, § 102 (less clause (1) and last sentence of (a)), 59 Stat. 296. May 24, 1946, ch. 270, § 8(a), 60 Stat. 218. Aug. 4, 1947, ch. 452, § 1, 61 Stat. 727. Aug. 18, 1959, Pub. L. 86-168, § 202(c), 73 Stat. 389.
	5 U.S.C. 2358(a) (as applicable to the Federal Employees Pay Act of 1945, as amended)	July 17, 1959, Pub. L. 86-91, § 10(a) (as applicable to the Federal Employees Pay Act of 1945, as amended), 73 Stat. 217.

The section is revised as a definition section. The provisions of former section 901(d) are omitted as unnecessary because the sections referred to state their application and there is no need to restate the application here.

In paragraph (1), the terms "Executive agency" and "military department" are substituted for the references in former section 901(a) and (e) to the executive branch, including Government-owned or controlled corporations, and the General Accounting Office in view of the definitions in sections 105 and 102.

In paragraph (2)(iii), the words "chapter 15 of title 31, District of Columbia Code" are substituted for the reference in former section 902(a)(4) to "the Teachers Salary Act of June 4, 1924, as amended" on authority of the provisions contained therein. Enumeration of the individuals to which the provisions apply are added.

In paragraph (2)(iv), the provisions of former section 902(a)(5) and (b)(6) are combined.

In paragraph (2)(v), the words "student-employee as defined by section 5351 of this title" are coextensive with and substituted for the enumeration of the employees in former section 902(a)(6).

In paragraph (2)(iv), (vi), (vii), (viii), (ix), (xi), and (xii), the reference to former section 947 is omitted as that section was repealed by the Act of Sept. 12, 1950, ch. 946, § 301(85), 64 Stat. 843.

In paragraph (2)(xii), the reference to former section 946 is omitted as unnecessary since that section is not carried into this subchapter. The words "Panama Canal Company" are substituted for "Panama Railroad Company" on authority of the Act of Sept. 2, 1950, ch. 1049, § 2(a)(2), 64 Stat. 1038.

In paragraph (2)(xiii), the words "as defined by section 901 of title 20" are added on authority of former section 2351, which section is scheduled for transfer to section 901 of title 20.

The exception for officers and employees of the Inland Waterways Corporation in former section 902(b)(3) is omitted on authority of the Act of July 19, 1963, Pub. L. 88-67, 77 Stat. 81.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5542

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 911	June 30, 1945, ch. 212, § 201, 59 Stat. 296. Sept. 1, 1954, ch. 1208, § 203, 68 Stat. 1109.
(b)	5 U.S.C. 912a 5 U.S.C. 912b	Sept. 1, 1954, ch. 1208, § 205(b), 68 Stat. 1110.

In subsection (a)(1) and (2), the word "officer" is omitted as included in "employee". The word "scheduled" is omitted since section 603 of the Act of Oct. 11, 1962, Pub. L. 87-793, 76 Stat. 847, eliminated the necessity of referring to rates as scheduled or longevity. References to the "Classification Act of 1949, as amended" are omitted as unnecessary.

In subsection (b), former sections 912a and 912b are combined and restated.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5543

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 912	June 30, 1945, ch. 212, § 202, 59 Stat. 297. May 24, 1946, ch. 270, § 9, 60 Stat. 218. Sept. 1, 1954, ch. 1208, § 204, 68 Stat. 1109.

In subsection (a), the words "head of an agency" are substituted for "head of any department, independent establishment, or agency, including Government-owned or controlled corporations, or of the municipal government of the District of Columbia, or the head of any legislative or judicial agency to which this subchapter applies" because of the definition of "agency" and the application stated in section 5541.

In subsection (a)(1), the word "officer" is omitted as included in "employee".

In subsection (a)(2), the words "at his own discretion" are omitted as unnecessary in view of the permissive nature of the authority. The word "officer" is omitted as included in "employee". The word "scheduled" is omitted since section 603 of the Act of Oct. 11, 1962, Pub. L. 87-793, 76 Stat. 847, eliminated the necessity of referring to rates as scheduled or longevity. Reference to the "Classification Act of 1949, as amended" is omitted as unnecessary.

In subsection (b), the words "in his discretion" are omitted as unnecessary in view of the permissive nature of the authority. The words "overtime work" are substituted for "any work in excess of forty hours in any regularly scheduled administrative workweek" because of the definition of "overtime work" in section 5542(a).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5544

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 673c (2d proviso)	Mar. 28, 1934, ch. 102, § 23 (proviso), 48 Stat. 522. Aug. 13, 1962, Pub. L. 87-581, § 201 (2d proviso), 76 Stat. 360.
	5 U.S.C. 913	June 30, 1945, ch. 212, § 203, 59 Stat. 297. Sept. 1, 1954, ch. 1208, § 205(a), 68 Stat. 1109.
(b)	5 U.S.C. 933 (as applicable to 5 U.S.C. 673c)	June 30, 1945, ch. 212, § 503 (as applicable to § 23 of the Act of Mar. 28, 1934, ch. 102, 48 Stat. 522, as amended), 59 Stat. 301.

In subsection (a), former sections 673c (2d proviso) and 913 are combined and restated for clarity and conciseness. The last 28 words of section 205(a) of the Act of Sept. 1, 1954, 68 Stat. 1109, are omitted as executed and covered by technical section 8.

Subsection (b) is restated to conform to subsection (a). In former section 933, the words "Classification Act of 1949" were substituted for "Classification Act of 1923" on authority of section 1106(a) of the Act of Oct. 28, 1949, ch. 782, 63 Stat. 972.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5545

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a), (b)	5 U.S.C. 921	June 30, 1945, ch. 212, § 301, 59 Stat. 298. May 24, 1946, ch. 270, § 10, 60 Stat. 218.
(c)	5 U.S.C. 926	Sept. 1, 1954, ch. 1208, § 206, 68 Stat. 1110. Sept. 1, 1954, ch. 1208, § 208(a), 68 Stat. 1111. July 18, 1958, Pub. L. 85-525, 72 Stat. 363.

In subsection (b), the words "head of an agency" are substituted for "head of any department, independent establishment, or agency, including Government-owned or controlled corporations" because of the definition of "agency" and the application stated in section 5541. The words "the United States" are substituted for "the several States and the District of Columbia".

In subsection (c), the words "head of an agency" are substituted for "head of any department, independent establishment, or agency, including Government-owned or controlled corporations, or of the municipal government of the District of Columbia" because of the definition of "agency" and the application stated in section 5541. The word "officer" is omitted as included in "employee". The word "scheduled" is omitted since section 603 of the Act of Oct. 11, 1962, Pub. L. 87-793, 76 Stat. 847, eliminated the necessity of referring to rates as scheduled or longevity. Reference to the "Classification Act of 1949, as amended" is omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5546

Derivation: United States Code
5 U.S.C. 922

Revised Statutes and Statutes at Large
June 30, 1945, ch. 212, § 302, 59 Stat.
298.
May 24, 1946, ch. 270, § 11, 60 Stat.
218.
Sept. 1, 1954, ch. 1208, § 207, 68 Stat.
1110.
July 18, 1958, Pub. L. 85-533, 1, § 72
Stat. 377.

In subsections (a) and (b), the word "officer" is omitted as included in "employee".

In subsections (b) and (c), the word "designated" is substituted for "such a" and "such" in former section 922(b) and (c) to identify the holiday as one designated by statute, Executive order, or the Board of Commissioners of the District of Columbia.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5547

Derivation: United States Code
5 U.S.C. 943

Revised Statutes and Statutes at Large
June 30, 1945, ch. 212, § 603, 59 Stat.
302.
May 24, 1946, ch. 270, § 7(a), 60 Stat.
218.
July 3, 1948, ch. 830, § 303(a), 62 Stat.
1268.
Sept. 1, 1954, ch. 1208, § 209, 68 Stat.
1112.

Former section 943(a), (b) is combined and restated for clarity and conciseness. The word "officer" is omitted as included in "employee". The word "scheduled" is omitted since section 603 of the Act of Oct. 11, 1962, Pub. L. 87-793, 76 Stat. 847, eliminated the necessity of referring to rates as scheduled or longevity. Reference to the "Classification Act of 1949, as amended" is omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5548

Derivation: United States Code
5 U.S.C. 945

Revised Statutes and Statutes at Large
June 30, 1945, ch. 212, § 605, 59 Stat.
304.

The remainder of the authority is covered by sections 5504 and 6101.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5549

Derivation: United States Code
5 U.S.C. 941

Revised Statutes and Statutes at Large
June 30, 1945, ch. 212, § 601, 59 Stat.
302.

In paragraph (2), the words "sections 1353a and 1353b of title 8" are substituted for "sections 342c and 342d of this title" to reflect the scheduled transfer of those sections to title 8.

In paragraph (5), the words "section 154(f)(3) of title 47" are substituted for "section 154(f)(2) of title 47" on authority of the Act of July 16, 1952, ch. 879, § 3(b), 66 Stat. 711, which redesignated subsection (f)(2) as (f)(3).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5551

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 61b (1st, 2d, and 6th sentences)	Dec. 21, 1944, ch. 632, § 1 (less 1st proviso, and less so much of last sentence as precedes 2d proviso), 58 Stat. 845. July 2, 1953, ch. 178, § 4(a) (1st and 5th sentences), 67 Stat. 137.
(b)	5 U.S.C. 2061a(a)	July 2, 1953, ch. 178, § 2(a), 67 Stat. 136.

In subsection (a), the words "An employee as defined by section 2105 of this title" are coextensive with and substituted for "civilian officer or employee of the Federal Government". Reference to "section 1474 of Appendix to Title 50" is omitted in view of the repeal of that section by the Act of July 24, 1956, ch. 671, § 5(a)(3), 70 Stat. 606. The words "and shall not be subject to retirement deductions" are omitted and carried into section 8331(3).

In subsection (b)(2), reference to the limitation imposed by section 5 of the Act of July 2, 1953, ch. 178, 67 Stat. 138, is omitted as obsolete since the limitation was eliminated by the Act of Sept. 2, 1958, Pub. L. 85-914, § 1, 72 Stat. 1761.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5552

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 61a	Aug. 1, 1941, ch. 348, 55 Stat. 616. Apr. 7, 1942, ch. 220, 56 Stat. 200.

The words "An employee as defined by section 2105 of this title" are coextensive with and substituted for "Employees of the United States Government, . . . (including employees of any corporation created under authority of an Act of Congress which is either wholly controlled or wholly owned by the United States Government, or any corporation, all the stock of which is owned or controlled by the United States Government, or any department, agency, or establishment thereof, whether or not the employees thereof are paid from funds appropriated by Congress)".

The words "subsequent to May 1, 1940" are omitted as obsolete. The words "active duty in the armed forces" and "active duty" are substituted for "active military or naval service in the land or naval forces of the United States" and "active military or naval service", respectively, on authority of the National Security Act of 1947, 61 Stat. 495, as amended. The words "by voluntary enlistment or otherwise" are omitted as unnecessary.

In paragraph (1), the words "in accordance with section 5551 of this title" are added on authority of former section 61b, which is carried into section 5551.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5561

Derivation:	United States Code	Revised Statutes and Statutes at Large
(1)-(4)	50A U.S.C. 1001	Mar. 7, 1942, ch. 166, § 1, 56 Stat. 143. July 1, 1944, ch. 371, § 1, 58 Stat. 679. May 16, 1947, ch. 70, § 1, 61 Stat. 96. Aug. 29, 1957, Pub. L. 85-217, § 1(a), 71 Stat. 491. Aug. 14, 1964, Pub. L. 88-428, § 1 (1), (2), 78 Stat. 437.
(5)	50A U.S.C. 1002(a) (3d through 66th words of 1st sentence, and 1st 28 words of 3d sentence, for definition purposes)	Mar. 7, 1942, ch. 166, § 2(a) (3d through 66th words and 96th through 120th words of 1st sentence, and 1st 28 words of 3d sentence, for definition purposes); added July 1, 1944, ch. 371, § 2, 58 Stat. 679. Apr. 4, 1953, ch. 17, § 1(a), 67 Stat. 21. Aug. 29, 1957, Pub. L. 85-217, § 1(b) (1st par.), 71 Stat. 491. Aug. 14, 1964, Pub. L. 88-428, § 1(3) (A), (C), 78 Stat. 437.
	50A U.S.C. 1014 (as applicable to § 1002(a) (1st sentence))	Mar. 7, 1942, ch. 166, § 14 (as applicable to § 2(a) (1st sentence)), 56 Stat. 147. Apr. 4, 1953, ch. 17, § 1(e), 67 Stat. 21.
(6)	50A U.S.C. 1002(a) (96th through 120th words of 1st sentence, for definition purposes)	

Only that portion of the source law which is applicable to civilian officers and employees and their dependents is codified in this section.

In paragraph (1), the word "agency" is substituted for "department". The words "including such term when used in the amendment made by section 16" are omitted as surplusage. The words "an Executive agency and a military department" are coextensive with and substituted for "any executive department, independent establishment, or agency (including corporations) in the executive branch of the Federal Government" in view of the definitions in sections 105 and 102, and on authority of 5 U.S.C. 933a which provides that general legislation governing employment, compensation, and the status of employees of the United States applies to employees of the General Accounting Office in the same manner as if they were in the executive branch.

In paragraph (3)(A), the word "lawful" is omitted as unnecessary in view of the accepted recognition of the fact that the word "wife" means a lawful wife. In paragraph (3)(E), the words "head of the agency concerned or his designee" are substituted for "head of the department concerned, or subordinate designated by him".

The definitions in paragraphs (5) and (6), which do not appear in, but are based on, the source law are created for legislative convenience.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5562

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	50A U.S.C. 1002(a) (1st sentence, less last 46 words)	Mar. 7, 1942, ch. 166, § 2(a) (1st 2 sentences and 3d sentence, less 1st 28 words); added July 1, 1944, ch. 371, § 2, 58 Stat. 679. Apr. 4, 1953, ch. 17, § 1(a), 67 Stat. 21. Aug. 29, 1957, Pub. L. 85-217, § 1(b), 71 Stat. 491. Aug. 14, 1964, Pub. L. 88-428, § 1(3) (A), (B), 78 Stat. 437.
	50A U.S.C. 1014 (as applicable to § 1002(a) (1st sentence))	Mar. 7, 1942, ch. 166, § 14 (as applicable to § 2(a) (1st sentence)), 56 Stat. 147. Apr. 4, 1953, ch. 17, § 1(e), 67 Stat. 21.
(b)	50A U.S.C. 1002(a) (last 46 words of 1st sentence, and 2d sentence)	
(c)	50A U.S.C. 1002(a) (3d sentence, less 1st 28 words)	
(d)	50A U.S.C. 1006 (2d sentence, as applicable to pay and allowances)	Mar. 7, 1942, ch. 166, § 6 (2d sentence, as applicable to pay and allowances); added Dec. 24, 1942, ch. 828, § 1 (4th par.), 56 Stat. 1093. Aug. 14, 1964, Pub. L. 88-428, § 1(5) (B), 78 Stat. 437.

Only that portion of the source law which is applicable to civilian officers and employees and their dependents is codified in this section.

In subsection (a), the words "An employee in a missing status" are substituted for the first 66 words of 50A U.S.C. 1002(a) to conform to the definitions in section 5561(2) and (5). The words "pay and allowances" are substituted for the enumeration of pay and allowances in the first sentence of 50A U.S.C. 1002(a) to conform to the definition in section 5561(6). The words "or is performing full-time training duty, other full-time duty, or inactive duty training" and "except that the pay and allowances for a person who is performing full-time training duty or other full-time duty without pay, or inactive duty training with or without pay, shall be that to which he would have been entitled if he had been performing full-time active duty with pay" are omitted as inapplicable to civilian officers and employees.

In subsection (b), the words "under subsection (a) of this section" are inserted for clarity.

In subsection (c), the words "United States" are substituted for "Government" to conform to the style of this title. The words "under subsection (a) of this section" are inserted for clarity.

In subsection (d), the words "an employee in a missing status" are substituted for "a person missing under the conditions specified in section 2 of this Act" to conform to the definitions in section 5561(2) and (5).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5563

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	50A U.S.C. 1003 (1st sentence)	Mar. 7, 1942, ch. 166, § 3, 56 Stat. 144. Dec. 24, 1942, ch. 828, § 1 (1st par.), 56 Stat. 1092. July 1, 1944, ch. 371, § 3, 58 Stat. 680.
(b)	50A U.S.C. 1003 (2d sentence, less provisos)	
(c)	50A U.S.C. 1003 (1st proviso of 2d sentence)	
(d)	50A U.S.C. 1003 (2d proviso of 2d sentence)	
(e)	50A U.S.C. 1004	Mar. 7, 1942, ch. 166, § 4, 56 Stat. 144. Dec. 24, 1942, ch. 828, § 1 (2d par.), 56 Stat. 1093. July 1, 1944, ch. 371, § 4, 58 Stat. 680.
(f)	50A U.S.C. 1006 (1st sentence)	Mar. 7, 1942, ch. 166, § 6 (1st sentence and 2d sentence, as applicable to allotments); added Dec. 24, 1942, ch. 828, § 1 (4th par.), 56 Stat. 1093. Apr. 4, 1953, ch. 17, § 1 (b), 67 Stat. 21. Aug. 14, 1964, Pub. L. 88-428, § 1 (5), 78 Stat. 437.
	50A U.S.C. 1014 (as applicable to § 1006 (1st sentence))	Mar. 7, 1942, ch. 166, § 14 (as applicable to § 6 (1st sentence)), 56 Stat. 147. Apr. 4, 1953, ch. 17, § 1(e), 67 Stat. 21.
(g)	50A U.S.C. 1006 (2d sentence, as applicable to allotments)	
(h)	50A U.S.C. 1007	Mar. 7, 1942, ch. 166, § 7, 56 Stat. 145. Aug. 14, 1964, Pub. L. 88-428, § 1(6), 78 Stat. 437.

Only that portion of the source law which is applicable to civilian officers and employees and their dependents is codified in this section.

In subsection (a), the words "employee . . . in a missing status" are substituted for the reference to "person . . . entitled under section 2 of this Act to receive or be credited with pay and allowances" to conform to the definitions in section 5561(2) and (5). The words "except as otherwise provided herein" are omitted as unnecessary.

In subsection (b), the words "head of the agency concerned, he or his designee" are substituted for "head of the department concerned . . . head of the department concerned, or such subordinate as he may designate". The word "employee" is substituted for "person" to conform to the definition in section 5561(2).

In subsection (c), the words "in effect" are omitted as surplusage. The words "employee in a missing status" are substituted for "absent person" to conform to the definitions in section 5561(2) and (5).

In subsection (d), the words "United States" are substituted for "Government" to conform to the style of this title. The word "employee" is substituted for "person" to conform to the definition in section 5561(2).

In subsection (e), the words "head of the agency concerned or his designee" are substituted for "head of the department concerned, or such subordinates as he may designate". The words "employee in a missing status" are substituted for "person entitled to receive or be credited with pay and allowances under section 2 of this Act" to conform to the definitions in section 5561(2) and (5). The words

“United States” are substituted for “Government” to conform to the style of this title.

In subsections (f) and (g), the words “employee in a missing status” are substituted for “person missing under the conditions specified in section 2 of this Act” to conform to the definitions in section 5561(2) and (5).

In subsection (h), the words “employee in a missing status” are substituted for “persons entitled under section 2 or 14 of this Act to receive pay and allowances” to conform to the definitions in section 5561(2) and (5). In paragraph (2), the words “heretofore or hereafter” are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5564

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	50A U.S.C. 1012 (14th sentence)	Mar. 7, 1942, ch. 166, § 12, 56 Stat. 146. Feb. 12, 1946, ch. 6, § 1(a), 60 Stat. 5. Aug. 29, 1951, ch. 356, § 1, 65 Stat. 207. Apr. 4, 1953, ch. 17, § 1(d), 67 Stat. 21. Aug. 29, 1957, Pub. L. 85-217, § 1(d), 71 Stat. 492.
(b)	50A U.S.C. 1012 (1st sentence)	Aug. 14, 1964, Pub. L. 88-428, § 1(8), 78 Stat. 437.
	50A U.S.C. 1014 (as applicable to § 1012 (1st sentence))	Mar. 7, 1942, ch. 166, § 14 (as applicable to § 12 (1st sentence)), 56 Stat. 147. Apr. 4, 1953, ch. 17, § 1(e), 67 Stat. 21.
(c)	50A U.S.C. 1012 (12th sentence)	
(d)	50A U.S.C. 1012 (13th sentence)	
(e)	50A U.S.C. 1012 (11th sentence)	
(f)	50A U.S.C. 1012 (9th and 10th sentences)	
(g)	50A U.S.C. 1012 (2d-4th sentences)	
(h)	50A U.S.C. 1012 (5th-7th sentences)	
(i)	50A U.S.C. 1012 (8th sentence)	

Only that portion of the source law which is applicable to civilian officers and employees and their dependents is codified in this section.

In subsection (a), the words “Beginning June 25, 1950, and” are omitted as executed. The words “not to exceed” are omitted as unnecessary. The words “outside the United States, or in Alaska or Hawaii” are substituted for “outside the continental limits of the United States or in Alaska”.

In subsection (b), the words “Transportation . . . may be provided” are substituted for “may be moved”. The words “an employee . . . for more than 29 days in a status listed in section 5561(5)(A)-(E) of this title” are substituted for “person . . . for a period of thirty days or more in any status listed in section 2 of this Act” for clarity and to conform to the definitions in section 5561(2) and (5). In paragraph (1), the words “the employee” are substituted for “any such person”. In paragraph (3), the words “head of the agency concerned or his designee” are substituted for “head of the department concerned or by such person as he may designate”.

In subsection (c), the word "employee" is substituted for "person". The words "transportation . . . may be provided under this section only when" are substituted for "movement . . . provided for herein may be authorized only in cases where".

In subsection (d), the words "on request of a dependent may be provided under . . . only" are substituted for "No . . . shall be authorized pursuant to . . . upon application by dependents unless". The words "condition and" are omitted as surplusage.

In subsection (e)(1), the words "reimbursement for" are substituted for "the payment in money of amounts equal to".

In subsection (f), the word "employee" is substituted for "person". The words "such time as" are omitted as surplusage.

In subsection (g), the words "United States" are substituted for "Government" to conform to the style of this title. The word "employee" is substituted for "person". The words "under . . . prescribed" are substituted for "in accordance with . . . issued".

In subsection (h), the words "under subsection (g) of this section" are substituted for "under authority of this section".

In subsection (i), the words "the provisions of" are omitted as surplusage. Paragraph (3) is substituted for "the Federal Tort Claims Act (60 Stat. 842-847), as amended;" to reflect the correct citation of that Act.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5565

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	50A U.S.C. 1005 (1st and 2d sentences)	Mar. 7, 1942, ch. 166, § 5, 56 Stat. 145. Dec. 24, 1942, ch. 828, § 1 (3d par.), 56 Stat. 1093. Aug. 14, 1964, Pub. L. 88-428, § 1(4), 78 Stat. 437.
	50A U.S.C. 1014 (as applicable to § 1005 (1st sentence))	Mar. 7, 1942, ch. 166, § 14 (as applicable to § 5 (1st sentence)), 56 Stat. 147. Apr. 4, 1953, ch. 17, § 1(e), 67 Stat. 21.
(b)	50A U.S.C. 1005 (less 1st and 2d sentences)	
(c)	50A U.S.C. 1009(b) (as applicable to § 1005)	Mar. 7, 1942, ch. 166, § 9(b) (as applicable to § 5); added Aug. 29, 1957, Pub. L. 85-217, § 1(c), 71 Stat. 492.

Only that portion of the source law which is applicable to civilian officers and employees and their dependents is codified in this section.

In subsection (a), the words "When an employee has been in a missing status almost 12 months" are substituted for "When the twelve months' period from the date of commencement of absence is about to expire in any case of a person entitled under section 2 of this Act to receive or be credited with pay and allowances" for clarity and to conform to the definitions in section 5561(2) and (5). For the same reasons, the words "the end of 12 months in a missing status" are substituted for "the twelve months' absence shall have expired". The words "or his designee" are supplied on authority of 50A U.S.C. 1009(a) which is codified in section 5566(a). In paragraph (1), the words "his" and "employee" are substituted for "person's" and "person".

In subsection (b), the words "under subsection (a) of this section" are inserted for clarity. The words "and payment of death gratuities" are omitted as inapplicable to civilian officers and employees. In paragraph (1), the words "the day on which the 12 months in a missing status ends" are substituted for "the day of expiration of an absence of twelve months" for consistency with subsection (a) of this section and in view of the definition in section 5561(5). In paragraph (2), the words "or his designee" are supplied on authority of 50A U.S.C. 1009(a) which is in part codified in section 5566(a). The words "under subsection (a) of this section" are substituted for "as hereinbefore authorized".

In subsection (c), the word "sole" is omitted as surplusage and in view of the provisions of section 5566(h). The word "deemed" is supplied to evidence the legal fiction provided by the words "is a 'person' under this Act" in 50A U.S.C. 1009(a). The words "or his designee" are supplied on authority of 50A U.S.C. 1009(a) which is in part codified in section 5566(a). The words "agencies of the United States" are substituted for "departments of the Government". The words "This section does not entitle" are substituted for "Provided, That nothing in this section shall be construed as conferring . . . any right".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5566

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	50A U.S.C. 1009(a) (1st and 2d sentences)	Mar. 7, 1942, ch. 166, § 9(a) (less 5th and last sentences); added. July 1, 1944, ch. 371, § 5, 58 Stat. 680. Apr. 4, 1953, ch. 17, § 1(c), 67 Stat. 21. Aug. 29, 1957, Pub. L. 85-217, § 1(c), 71 Stat. 492.
	50A U.S.C. 1010	Mar. 7, 1942, ch. 166, § 10, 56 Stat. 145. July 1, 1944, ch. 371, § 6, 58 Stat. 681. Aug. 14, 1964, Pub. L. 88-428, § 1(7), 78 Stat. 437.
(b)	50A U.S.C. 1009(a) (3d and 4th sentences)	
(c)	50A U.S.C. 1009(a) (6th sentence, less last proviso)	
	50A U.S.C. 1014 (as applicable to § 1009(a) (1st proviso of 6th sentence))	Mar. 7, 1942, ch. 166, § 14 (as applicable to § 9(a) (1st proviso of 6th sentence)), 56 Stat. 147. Apr. 4, 1953, ch. 17, § 1(e), 67 Stat. 21.
(d)	50A U.S.C. 1009(a) (7th sentence)	
(e)	50A U.S.C. 1009(a) (last proviso of 6th sentence)	
(f)	50A U.S.C. 1009(a) (8th sentence)	
(g)	50A U.S.C. 1009(a) (9th sentence)	
(h)	50A U.S.C. 1009(b) (as applicable to § 1009)	Mar. 7, 1942, ch. 166, § 9(b) (as applicable to § 9); added. Aug. 29, 1957, Pub. L. 85-217, § 1(c), 71 Stat. 492.

Only that portion of the source law which is applicable to civilian officers and employees and their dependents is codified in this section.

In subsection (a), the words "head of the agency concerned or his designee" are substituted for "head of the department concerned, or such subordinate as he may designate". The words "for the purposes of this Act" are omitted as surplusage. The words "final and" in 50A U.S.C. 1010 are omitted as surplusage and for consistency with 50A U.S.C. 1009(a) (1st sentence). The words "the determination of the fact of dependency for the purpose of payment of all six months' death gratuities as authorized by law, and the determination of the fact of dependency under the provisions of any and all other laws providing for the payment of pay, allowances, or other emoluments to enlisted personnel in the Army, Navy, Air Force, Marine Corps, and Coast Guard of the United States where such payments are contingent upon dependency" in 50A U.S.C. 1010 are omitted as inapplicable to civilian officers and employees and their dependents. In paragraph (2), the words "under this subchapter" are substituted for "under the provisions of this Act". In paragraph (3), the words "covered by this subchapter" are substituted for "dealt with by this Act". In paragraph (4), the words "by the head of the agency concerned" are substituted for "in such department or by the head thereof". In paragraph (5), the word "employee" is substituted for "person".

In subsection (b), the words "head of the agency concerned" are substituted for "department concerned". The word "employee" is substituted for "person". In the second sentence, the words "the head of the agency concerned or his designee" are inserted for clarity. The words "is dead" are substituted for "is no longer alive" for consistency with references in this section to "death".

In subsection (c), the words "or his designee" are substituted for "or by such subordinate as he may designate". The words "captured, beleaguered, or besieged by a hostile force" are substituted for "in the hands of a hostile force" on authority of 50A U.S.C. 1014.

In subsection (d), the words "under this subchapter" are substituted for "authorized to be made by this Act". The words "or his designee" are substituted for "or such subordinate as he may designate".

In subsection (e), the words "an employee . . . allotment paid under this subchapter" are substituted for "any person . . . allotments paid pursuant to this Act". The words "the employee if the head of the agency concerned or his designee" are substituted for "such person's . . . in any case in which . . . the head of the department concerned, or such subordinate as he may designate".

In subsection (f), the words "may not be collected" are substituted for "shall not be subject to collection" in two places. The word "employee" is substituted for "person".

In subsection (g), the words "or his designee" are substituted for "or such subordinate as he may designate".

In subsection (h), the word "sole" is omitted as surplusage and in view of the provisions of section 5565(c). The word "deemed" is supplied to evidence the legal fiction provided by the words "is a 'person' under this Act" in 50A U.S.C. 1009(a). The words "or his designee" are supplied on authority of 50A U.S.C. 1009(a) which is codified in part in subsection (a) of this section. The words "agencies of the United States" are substituted for "departments of the Government". The words "This section does not entitle" are substituted

for “*Provided, That nothing in this section shall be construed as conferring . . . any right*”.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5567

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	50A U.S.C. 1011	Mar. 7, 1942, ch. 166, § 11, 56 Stat. 146.
(b)	50A U.S.C. 1009(a) (5th sentence)	Mar. 7, 1942, ch. 166, § 9 (a)(5th and last sentences); added July 1, 1944, ch. 371, § 5, 58 Stat. 680. Aug. 29, 1957, Pub. L. 85-217, § 1(c), 71 Stat. 492.
(c)	50A U.S.C. 1009(a) (last sentence)	

Only that portion of the source law which is applicable to civilian officers and employees and their dependents is codified in this section.

In subsection (a), the words “or his designee” are substituted for “or such person as he may designate”. The word “employee” is substituted for “persons”. The words “United States” are substituted for “Government” to conform to the style of this title.

In subsection (c), the words “in carrying out this subchapter, except section 5568” are substituted for “in carrying out the provisions of this Act, except sections 13, 16, 17, and 18”, since sections 16 and 17 are scheduled for repeal (see Table II) and section 18 was previously repealed. The words “under this subchapter, except section 5568” are substituted for “under such provisions” for the reasons stated in the preceding sentence.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5568

Derivation:	United States Code	Revised Statutes and Statutes at Large
	50A U.S.C. 1013	Mar. 7, 1942, ch. 166, § 13, 56 Stat. 146. Aug. 8, 1947, ch. 515, § 6, 61 Stat. 918. Aug. 14, 1964, Pub. L. 88-428, § 1(9), 78 Stat. 437.

Only that portion of the source law which is applicable to civilian officers and employees and their dependents is codified in this section.

The words “an employee” are substituted for “any civilian officer or employee of any department” to conform to the definition in section 5561(2). The words “in a missing status” are substituted for “absent from his duty station under the conditions specified in section 2 of this Act” to conform to the definition in section 5561(5) and in view of the provisions of section 5562 establishing the entitlement of an employee in a missing status to receive pay and allowances or have them credited to his account. Reference to “title 26” is substituted for “Internal Revenue Code of 1954”.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5581

Derivation:	United States Code	Revised Statutes and Statutes at Large
(1)	5 U.S.C. 61k	Aug. 3, 1950, ch. 518, § 7, 64 Stat. 396. Apr. 30, 1954, ch. 177, § 2, 68 Stat. 65.
(2)	5 U.S.C. 61g	Aug. 3, 1950, ch. 518, § 2, 64 Stat. 396. July 2, 1953, ch. 178, § 5, 67 Stat. 138. Sept. 1, 1954, ch. 1208, § 501, 68 Stat. 1115.
	5 U.S.C. 61i	Sept. 2, 1958, Pub. L. 85-914, § 1, 72 Stat. 1761. Aug. 3, 1950, ch. 518, § 4, 64 Stat. 396

Paragraph (1) is supplied for convenience and is based on the first 35 words of former section 61f, which is carried into section 5582, and former section 61k.

The exception for production credit corporations in section 7 of the Act of Aug. 3, 1950, is omitted as they were merged in the Federal intermediate credit banks by the Farm Credit Act of 1956, 70 Stat. 659.

In paragraph (2), the definition of "money due" is substituted for "unpaid compensation". Paragraph (2)(I) is added on authority of former section 1182(a)(2), which is carried into section 5344.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5582

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 61j	Aug. 3, 1950, ch. 518, § 5, 64 Stat. 396.
(b)	5 U.S.C. 61f	Aug. 3, 1950, ch. 518, § 1, 64 Stat. 395.

Subsection (a) is restated for clarity. The word "officers" is omitted as included in "employee".

In subsection (b), so much of the first 35 words of former section 61f as states the application is carried into the definition of "employee" in section 5581(1). The word "officer" is omitted as included in "employee".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5583

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 61h	Aug. 3, 1950, ch. 518, § 3, 64 Stat. 396. Apr. 30, 1954, ch. 177, § 1, 68 Stat. 64.

In subsection (a), the word "officer" is omitted as included in "employee".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5591

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 652(b)(1)	June 10, 1948, ch. 447 "Sec. 6(b)(1)", 62 Stat. 355.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5592

Derivation: United States Code
5 U.S.C. 652(b)(2)

Revised Statutes and Statutes at Large
June 10, 1948, ch. 447 "Sec. 6(b)(2)",
62 Stat. 355.

The word "removed" is coextensive with and substituted for "discharged".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5593

Derivation: United States Code
5 U.S.C. 652(b)(3)

Revised Statutes and Statutes at Large
June 10, 1948, ch. 447 "Sec. 6(b)(3)",
62 Stat. 355.

The words "furloughed without pay in a reduction in force", "furlough", and "furloughed" are substituted for "suspension without pay in a reduction in force", "suspension", and "suspensioned", respectively, as the Civil Service regulations relative to reduction in force authorized under former section 861, which is carried into section 3502, do not include "suspension without pay" as a reduction-in-force action but, instead, include "furlough without pay".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5594

Derivation: United States Code
5 U.S.C. 22-1 (3d proviso,
less 1st 31 words)

Revised Statutes and Statutes at Large
Aug. 26, 1950, ch. 803, § 1 (3d proviso,
less 1st 31 words), 64 Stat. 477.

The section is restated to conform to the style of sections 5591-5593. The words "removal" and "removed" are coextensive with and substituted for "termination" and "terminated", respectively.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

CHAPTER 57—TRAVEL, TRANSPORTATION, AND SUBSISTENCE

SUBCHAPTER I—TRAVEL AND SUBSISTENCE EXPENSES; MILEAGE ALLOWANCES

Sec.

5701. Definitions.

5702. Per diem; employees traveling on official business.

5703. Per diem, travel, and transportation expenses; experts and consultants; individuals serving without pay.

5704. Mileage and related allowances.

5705. Advancements and deductions.

5706. Allowable travel expenses.

5707. Regulations.

5708. Effect on other statutes.

SUBCHAPTER II—TRAVEL AND TRANSPORTATION EXPENSES; NEW APPOINTEES, STUDENT TRAINEES, AND TRANSFERRED EMPLOYEES

Sec.

- 5721. Definitions.
- 5722. Travel and transportation expenses of new appointees; posts of duty outside the continental United States.
- 5723. Travel and transportation expenses of new appointees and student trainees; manpower shortage positions.
- 5724. Travel and transportation expenses of employees transferred; advancement of funds; reimbursement on commuted basis.
- 5725. Transportation expenses; employees assigned to danger areas.
- 5726. Storage expenses; household goods and personal effects.
- 5727. Transportation of motor vehicles.
- 5728. Travel and transportation expenses; vacation leave.
- 5729. Transportation expenses; prior return of family.
- 5730. Funds available.
- 5731. Expenses limited to lowest first-class rate.
- 5732. General average contribution; payment or reimbursement.

SUBCHAPTER III—TRANSPORTATION OF REMAINS, DEPENDENTS, AND EFFECTS

Sec.

- 5741. General prohibition.
- 5742. Transportation of remains, dependents, and effects; death occurring away from official station or abroad.

SECTION 5701

Derivation: United States Code

- (1)–(5) 5 U.S.C. 835
- (6) [Uncodified]

Revised Statutes and Statutes at Large

- June 9, 1949, ch. 185, § 2, 63 Stat. 166.
- Aug. 14, 1961, Pub. L. 87–139, § 8(c), 75 Stat. 340.

In paragraph (1), the word “agency” is substituted for “departments and establishments”. The terms “Executive agency” and “military department” are substituted for “any executive department, independent commission, board, bureau, office, agency, or other establishment in the executive branch of the Government, including wholly owned Government corporations” in view of the definitions in sections 105 and 102. The exception of “a Government controlled corporation” is added in subparagraph (i) to preserve the application of this subchapter to “wholly owned Government corporations”.

Paragraph (2) is added for convenience and to eliminate the necessity of referring to “civilian officers and employees of the agencies” elsewhere in the text of the subchapter.

In paragraph (4), the words “including actual expenses, for subsistence and fees or tips to porters and stewards” are added on authority of the words “in lieu of their actual expenses of subsistence and all fees or tips to porters and stewards” and “in lieu of subsistence” in former sections 836 and 73b–2, which are carried into sections 5702 and 5703, respectively.

Paragraph (5) is added for convenience and is based in part on former section 835(1)(A) and, insofar as concerns section 5703, on section 18 of the Act of Aug. 2, 1946, ch. 744, 60 Stat. 811.

Paragraph (6), insofar as concerns section 5703, is based in part on section 18 of the Act of Aug. 2, 1946, ch. 744, 60 Stat. 811.

The definition of "Member of Congress" in former section 835(4) is omitted as unnecessary in view of the definition of "Member of Congress" in section 2106.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5702

Derivation: United States Code
5 U.S.C. 836

Revised Statutes and Statutes at Large
June 9, 1949, ch. 185, § 3, 63 Stat. 166.
Apr. 26, 1950, ch. 108, 64 Stat. 89.
July 28, 1955, ch. 424, § 1, 69 Stat. 393.
Aug. 14, 1961, Pub. L. 87-139, §§ 1,
8(a), 75 Stat. 339, 340.

In subsection (a), the term "employee" is substituted for "civilian officers and employees of the departments and establishments" in view of the definition of "employee" in sections 5701 and 2105. The words "in lieu of their actual expenses for subsistence and all fees or tips to porters and stewards" are omitted as unnecessary in view of the definition of "per diem allowance" in section 5701(4).

In subsection (b), the words "under regulations prescribed under section 5707 of this title" are substituted for "in accordance with regulations promulgated and approved under sections 835-842 of this title".

In subsection (c), the words "under regulations prescribed under section 5707 of this title" are substituted for "in accordance with regulations promulgated by the Director, Bureau of the Budget, pursuant to section 840 of this title".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5703

Derivation: United States Code
5 U.S.C. 73b-2

Revised Statutes and Statutes at Large
Aug. 2, 1946, ch. 744, § 5, 60 Stat. 808.
July 28, 1955, ch. 424, § 2, 69 Stat. 394.
Aug. 14, 1961, Pub. L. 87-139 §§ 2,
8(b), 75 Stat. 339, 340.

Subsection (a) is added on authority of section 18 of the Act of Aug. 2, 1946, ch. 744, 60 Stat. 811.

In subsection (b), the words "in lieu of subsistence" are omitted as unnecessary in view of the definition of "per diem allowance" in section 5701(4). The words "this subchapter" are substituted for "the Standardized Government Travel Regulations, Subsistence Expense Act of 1926, as amended (5 U.S.C. 821-833) and the Act of February 14, 1931, as amended by this Act" as the Subsistence Expense Act of 1926 and the Act of February 14, 1931, were repealed by section 9(a) of the Travel Expense Act of 1949, 63 Stat. 167, part of which appeared in former section 842 and is carried into section 5708, and as the authority for the Standardized Government Travel Regulations in former section 840 is carried into section 5707.

In subsection (c), the words "this subchapter" are substituted for "said regulations and said Act of February 14, 1931, as so amended" as the Act of February 14, 1931, was repealed by section 9(a) of the Travel Expense Act of 1949, 63 Stat. 167, part of which appeared in former section 842 and is carried into section 5708, and as the authority

for the Standardized Government Travel Regulations in former section 840 is carried into section 5707. The words "in lieu of subsistence" are omitted as unnecessary in view of the definition of "per diem allowance" in section 5701(4).

In subsection (d), the words "under regulations prescribed under section 5707 of this title" are substituted for "in accordance with regulations promulgated by the Director, Bureau of the Budget, pursuant to section 840 of this title".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5704

Derivation: United States Code
5 U.S.C. 837

Revised Statutes and Statutes at Large
June 9, 1949, ch. 185, § 4, 63 Stat. 166.
July 28, 1955, ch. 424, § 4, 69 Stat. 394.
Aug. 14, 1961, Pub. L. 87-139, §§ 3, 4,
75 Stat. 339, 340.

The word "employee" is substituted for "Civilian officers and employees of departments and establishments" in view of the definition of "employee" in sections 5701 and 2105.

In subsection (a), the words "under regulations prescribed under section 5707 of this title" are substituted for "under regulations prescribed by the Director of the Bureau of the Budget".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5705

Derivation: United States Code
5 U.S.C. 838

Revised Statutes and Statutes at Large
June 9, 1949, ch. 185, § 5, 63 Stat. 166.

The words "disbursing official" are substituted for "disbursing officer" because of the definition of "officer" in section 2104 which excludes a member of a uniformed service. Application to section 5703 is based on former section 73b-2, which is carried into section 5703.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5706

Derivation: United States Code
5 U.S.C. 839

Revised Statutes and Statutes at Large
June 9, 1949, ch. 185, § 6, 63 Stat. 167.

The words "members of the uniformed services" are substituted for "military personnel".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5707

Derivation: United States Code
5 U.S.C. 840

Revised Statutes and Statutes at Large
June 9, 1949, ch. 185, § 7, 63 Stat. 167.

The first sentence is based in part on former sections 73b-2, 836, and 837, which are carried into this subchapter. Application of the

second sentence to section 5703 is based on former section 73b-2, which is carried into section 5703.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5708

Derivation:	United States Code	Revised Statutes and Statutes at Large
(1), (2)	5 U.S.C. 841	June 9, 1949, ch. 185, § 8, 63 Stat. 167.
(3), (4)	5 U.S.C. 842	June 9, 1949, ch. 185, § 9, 63 Stat. 167.

In paragraph (2), the words "Members of Congress" are substituted for "the President of the Senate or Members of Congress" in view of the definition of "Member of Congress" in section 2106.

The first sentence of section 9 of the Act of June 9, 1949, which repealed the Subsistence Act of 1926 and the Auto Mileage Act of February 14, 1931, is omitted as executed.

The first proviso of former section 842, which related to appropriation Acts for the years 1949 and 1950, is omitted as obsolete. The remainder of former section 842, other than the parenthetical expressions, is omitted as executed and existing rights are preserved by technical section 8.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5721

The section is based on sections 18 and 19 of the Act of Aug. 2, 1946, ch. 744, 60 Stat. 811, 812. Sections 18 and 19 of the Act of Aug. 2, 1946, are omitted from this title and transferred to other titles of the United States Code since such sections apply also to sections 9, 11, and 16(a) of the Act of Aug. 2, 1946, which sections appear in titles 31 and 41 of the United States Code.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5722

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 73b-3(a) (less 3d-6th provisos)	Aug. 2, 1946, ch. 744, § 7, 60 Stat. 808. Sept. 23, 1950, ch. 1010, § 2, 64 Stat. 985. Aug. 30, 1961, Pub. L. 87-172, § 2, 75 Stat. 409.

In subsections (b)(1) and (c)(1), the words "under chapter 25 of title 20" are substituted for "under the Defense Department Overseas Teachers Pay and Personnel Practices Act" to reflect the scheduled transfer of that Act from chapter 34 of title 5 to chapter 25 of title 20.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5723

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 73b-3 (less (a))	Aug. 25, 1958, Pub. L. 85-749, 72 Stat. 843.
		July 5, 1960, Pub. L. 86-587, § 1, 74 Stat. 327.
		Oct. 16, 1963, Pub. L. 88-146, 77 Stat. 252.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5724

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 73b-1 (a), (b)	Aug. 2, 1946, ch. 744, § 1(a), (b), 60 Stat. 806.
		Sept. 23, 1950, ch. 1010, §§ 1 (a), (b), 3(b), 64 Stat. 985, 986.
		Feb. 12, 1958, Pub. L. 85-326, 72 Stat. 14.
		Sept. 6, 1960, Pub. L. 86-707, § 301(c) (1), 74 Stat. 796.
		Oct. 9, 1962, Pub. L. 87-776, 76 Stat. 777.

In subsections (a)(1) and (f), the words "section 5704 of this title" and "section 5705 of this title", respectively, are substituted for "the Act of February 14, 1931 (5 U.S.C. 73a)" and "the Subsistence Expense Act of 1926 (5 U.S.C. 828)", respectively, on authority of sections 4, 5, and 9(a) of the Travel Expense Act of 1949, as amended, which are carried into sections 5704, 5705, and 5708.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5725

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 73b-1(d)	Sept. 23, 1950, ch. 1010, § 1(c), 64 Stat. 985.

The word "employee" is substituted for "civilian officers and employees" in view of the definition of "employee" in sections 5721 and 2105.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5726

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 73b-1(e)	Sept. 6, 1960, Pub. L. 86-707, § 301 (c)(2), (d) (as applicable to the Administrative Expenses Act of 1946, as amended), 74 Stat. 796.

The word "employee" is substituted for "civilian officer or employee" in view of the definition of "employee" in sections 5721 and 2105.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5727

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 73c	June 30, 1932, ch. 314, § 209, 47 Stat. 405. Apr. 30, 1940, ch. 172, 54 Stat. 174. Aug. 13, 1946, ch. 957, § 1131(64), 60 Stat. 1040.
(b)-(e)	5 U.S.C. 73b-1(f)	Sept. 6, 1960, Pub. L. 86-707, § 321, 74 Stat. 797. Feb. 5, 1964, Pub. L. 88-266, 78 Stat. 8.

In subsection (a), the proviso in former section 73c is omitted as superseded by section 2634 of title 10, and by former section 73b-1(f), which is carried into subsections (b)-(e). The words "at Government expense" are inserted for clarity.

The last sentence of subsection (f) of former section 73b-1 which provided that for the purposes of that subsection and subsection (e), which is carried into section 5726, Alaska shall be considered to be outside the continental limits of the United States is omitted as unnecessary in view of the definition of "continental United States" in section 5721(3).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5728

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 73b-3(a) (3d proviso)	Aug. 31, 1954, ch. 1155 (1st proviso), 68 Stat. 1008.
(b)	5 U.S.C. 73b-3(a) (4th proviso)	Sept. 2, 1958, Pub. L. 85-858, 72 Stat. 1274.

The first 14 words of subsections (a) and (b), and subsection (c), are added on authority of former section 73b-3(a) (less 3d-6th provisos), which is carried into section 5722.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5729

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 73b-3(a) (5th and 6th provisos)	Aug. 31, 1954, ch. 1155 (less 1st proviso), 68 Stat. 1008.

The first 14 words of subsections (a) and (b), and subsection (c), are added on authority of former section 73b-3(a) (less 3d-6th provisos), which is carried into section 5722. The words "household effects" and "household goods" in the 5th and 6th provisos of former section 73b-3(a) are changed to "household goods and personal effects" for clarity and consistency in the use of the words elsewhere in this subchapter.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5730

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 73b-1(c)	Aug. 2, 1946, ch. 744, § 1(c), 60 Stat. 807.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5731

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 73b	Mar. 3, 1933, ch. 212, § 10, 47 Stat. 1516.
		Aug. 2, 1946, ch. 744, § 6, 60 Stat. 808.
(b)	5 U.S.C. 73e	May 28, 1938, ch. 289, § 811, 52 Stat. 577.

In subsection (a), the words "by or under authority of law" are omitted as surplusage.

In subsection (b), the words "by or under authority of law" are omitted as surplusage. The words "after the date of the enactment of this Act" are omitted as obsolete.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5732

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 73b-5	June 4, 1954, ch. 264, § 4, 68 Stat. 176.
	22 U.S.C. 2504(h) (as applicable to 5 U.S.C. 73b-5)	Dec. 13, 1963, Pub. L. 88-200, § 2(e) (as applicable to the Act of June 4, 1954, ch. 264, § 4 (5 U.S.C. 73b-5)), 77 Stat. 360.

The word "personal" is added before the word "effects" for clarity and to preserve consistency throughout this subchapter. The words "employees of the United States . . . and members of the uniformed services" are substituted for "military personnel and civilian employees of departments and agencies of the Federal Government". The words "a volunteer as defined by section 8142(a) of this title" are based on sections 2504(a), 2505, and 2507(a) of title 22. The words "pursuant to law" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5741

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 103	June 7, 1897, ch. 3, § 1 (last proviso on p. 86), 30 Stat. 86.

The words "a military department" are inserted to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive Department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this section, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser's note for section 301.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5742

Derivation: United States Code
(a)-(c) 5 U.S.C. 103a

Revised Statutes and Statutes at Large
July 8, 1940, ch. 551, § 1, 54 Stat. 743.
July 15, 1954, ch. 507, § 7(b), 68 Stat.
479.

(d) 5 U.S.C. 103b

July 8, 1940, ch. 551, § 2, 54 Stat. 744.

Subsection (a) is based on the words "department, independent establishment, agency, or federally owned or controlled corporation, hereinafter called department" in former section 103a. The terms "Executive agency" and "military department" include a department, independent establishment, agency, or federally owned or controlled corporation in the executive branch because of the definitions in sections 105 and 102.

The words "a military department" are included to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive Department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this section, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser's note for section 301.

Subsection (b) is restated for clarity and conciseness and to eliminate redundancy. In paragraphs (1) and (2), the words "outside the United States" are coextensive with and substituted for "in a Territory or possession of the United States or in a foreign country".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

CHAPTER 59—ALLOWANCES

SUBCHAPTER I—UNIFORMS

Sec.

5901. Uniform allowances.

SUBCHAPTER II—QUARTERS

Sec.

5911. Quarters and facilities; employees in the United States.

5912. Quarters in Government owned or rented buildings; employees in foreign countries.

5913. Official residence expenses.

SUBCHAPTER III—OVERSEAS DIFFERENTIALS AND ALLOWANCES

Sec.

5921. Definitions.

5922. General provisions.

5923. Quarters allowances.

5924. Cost-of-living allowances.

5925. Post differentials.

SUBCHAPTER IV—MISCELLANEOUS ALLOWANCES

Sec.

5941. Allowances based on living costs and conditions of environment; employees stationed outside continental United States or in Alaska.
5942. Allowance based on duty on California offshore islands.
5943. Foreign currency appreciation allowances.
5944. Illness and burial expenses; native employees in foreign countries.
5945. Notary public commission expenses.
5946. Membership fees; expenses of attendance at meetings; limitations.

SECTION 5901

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a), (b)	5 U.S.C. 2131	Sept. 1, 1954, ch. 1208, § 402, 68 Stat. 1114.
(c)	5 U.S.C. 2132 (less applicability to the Civil Service Retirement Act, as amended)	May 13, 1955, ch. 40, 69 Stat. 49. Sept. 1, 1954, ch. 1208, § 403 (less applicability to the Civil Service Retirement Act, as amended), 68 Stat. 1115.
(d)	5 U.S.C. 2133	Sept. 1, 1954, ch. 1208, § 404, 68 Stat. 1115.

In subsection (a), the word “concerned” is substituted for “to which any such appropriation is made”.

In subsection (b), the words “in his discretion” are omitted as unnecessary in view of the permissive nature of the authority.

In subsections (b) and (d), the word “rules” is omitted as covered by the word “regulations”.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5911

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 3121	Aug. 20, 1964, Pub. L. 88-459, § 1, 78 Stat. 557.
(b)	5 U.S.C. 3122	Aug. 20, 1964, Pub. L. 88-459, § 2, 78 Stat. 557.
(c)	5 U.S.C. 3123	Aug. 20, 1964, Pub. L. 88-459, § 3, 78 Stat. 557.
(d)	5 U.S.C. 3124	Aug. 20, 1964, Pub. L. 88-459, § 4, 78 Stat. 557.
(e)	5 U.S.C. 3125	Aug. 20, 1964, Pub. L. 88-459, § 5, 78 Stat. 557.
(f)	5 U.S.C. 3126	Aug. 20, 1964, Pub. L. 88-459, § 6, 78 Stat. 558.
(g)	5 U.S.C. 3127	Aug. 20, 1964, Pub. L. 88-459, § 7, 78 Stat. 558.

In subsection (a)(2), the term “Executive agency” is coextensive with and substituted for “each executive department of the Government”, “each agency or independent establishment in the executive branch of the Government”, “each corporation owned or controlled by the Government”, and “the General Accounting Office” in view of the definition of “Executive agency” in section 105.

In subsection (a)(3), the term “employee” is substituted for “civilian officer or employee” in view of the definition of “employee” in section 2105.

Subsection (a)(7) of former section 3121 is omitted as unnecessary in view of the definition of “uniformed services” in section 2101.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5912

Derivation: United States Code
5 U.S.C. 118a

Revised Statutes and Statutes at Large
June 26, 1930, ch. 622, 46 Stat. 818.
Sept. 6, 1960, Pub. L. 86-707, § 511(c)
(6), 74 Stat. 801.

The words "which appropriations are hereby authorized" are omitted as unnecessary in view of section 5509.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5913

Derivation: United States Code
5 U.S.C. 3039

Revised Statutes and Statutes at Large
Aug. 2, 1946, ch. 744, § 22; added
Sept. 6, 1960, Pub. L. 86-707,
§ 311(a), 74 Stat. 796.

The word "agency" is substituted for "department" and defined to conform to the definition of "department" in section 18 of the Act of Aug. 2, 1946, ch. 744, 60 Stat. 811.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5921

Derivation: United States Code
5 U.S.C. 3032

Revised Statutes and Statutes at Large
Sept. 6, 1960, Pub. L. 86-707, § 111, 74
Stat. 792.

In paragraph (1), the words "of America" are omitted as unnecessary.

In paragraph (2), the word "agency" is substituted for "Government agency". The term "Executive agency" is substituted for the reference to "each executive department of the Government, each independent establishment or agency in the executive branch of the Government, including each corporation wholly owned (either directly or through one or more corporations) by the Government". The exception of "a Government controlled corporation" is added to preserve the application of this subchapter to corporations wholly owned by the Government.

In paragraph (3), the word "employee" is substituted for "individual in the civilian service" in view of the definition of "employee" in section 2105. Reference to "ambassadors, ministers, and officers of the Foreign Service under the Department of State" is omitted as included in the definition of "employee".

In paragraph (4), the words "of the United States of America" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5922

Derivation: United States Code
(a) 5 U.S.C. 3033

Revised Statutes and Statutes at Large
Sept. 6, 1960, Pub. L. 86-707, § 201,
74 Stat. 793.

(b) 5 U.S.C. 3034

Sept. 6, 1960, Pub. L. 86-707, § 202,
74 Stat. 793.

(c) 5 U.S.C. 3035

Sept. 6, 1960, Pub. L. 86-707, § 203,
74 Stat. 793.

In subsection (a), the word "only" is omitted as surplusage.

In subsection (b), the words "disbursing official" are substituted for "disbursing officer" because of the definition of "officer" in section 2104 which excludes a member of a uniformed service.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5923

Derivation: United States Code
5 U.S.C. 3036

Revised Statutes and Statutes at Large
Sept. 6, 1960, Pub. L. 86-707, § 211,
74 Stat. 793.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5924

Derivation: United States Code
5 U.S.C. 3037

Revised Statutes and Statutes at Large
Sept. 6, 1960, Pub. L. 86-707, § 221,
74 Stat. 794.

In paragraph (1), the word "Washington" is omitted as covered by "District of Columbia".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5925

Derivation: United States Code
5 U.S.C. 3038

Revised Statutes and Statutes at Large
Sept. 6, 1960, Pub. L. 86-707, § 231,
74 Stat. 795.

In the last sentence, the words "Additional compensation paid as" are omitted as surplusage.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5941

Derivation: United States Code
5 U.S.C. 118h

Revised Statutes and Statutes at Large
Apr. 20, 1948, ch. 219, § 207, 62 Stat.
194.
June 30, 1948, ch. 775, § 104, 62 Stat.
1205.

The section is reorganized and restated for clarity and conciseness.

The word "allowances" is substituted for "additional compensation" as a more apt term and for consistency.

In subsection (a), the words "Executive agency" are substituted for "executive departments, independent establishments, and wholly owned Government corporations" in view of the definition of "Executive agency" in section 105. The exception of a "Government controlled corporation" is added to preserve the application to "wholly owned Government corporations".

Subsection (b) is based on the second proviso of former section 118h and is restated to reflect the provisions of sections 511(b), (c)(7) and 521 of the Act of Sept. 6, 1960, Pub. L. 86-707, 74 Stat. 800-802. The reference to section 204 of the Act of Apr. 20, 1948, is omitted as obsolete, since the section was applicable only to fiscal year 1949.

The last proviso of former section 118h which provided the effective date of the section is omitted as executed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5942

Derivation: United States Code
5 U.S.C. 70c

Revised Statutes and Statutes at Large
Aug. 31, 1964, Pub. L. 88-538, § 1, 78 Stat. 745.

The words "of the United States" are omitted as unnecessary because of the definition of "employee" in section 2105.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5943

Derivation: United States Code
5 U.S.C. 118c

Revised Statutes and Statutes at Large
Mar. 26, 1934, ch. 87, 48 Stat. 466.
Aug. 14, 1937, ch. 627, 50 Stat. 641.
Sept. 12, 1950, ch. 946, § 301(87), 64 Stat. 843.

The section is reorganized and restated for clarity and conciseness.

In subsection (a), the words "notwithstanding the provisions of any other Act" are omitted as unnecessary. The words "Secretary of the Treasury" are substituted for "Treasurer of the United States" on authority of 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July, 31, 1950, 64 Stat. 1280. The words "*Provided*, That such action as the President may take shall be binding upon all executive officers of the Government" are omitted as surplusage.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5944

Derivation: United States Code
5 U.S.C. 118f

Revised Statutes and Statutes at Large
July 15, 1939, ch. 286, 53 Stat. 1043.

The words "or military department" are inserted to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive Department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this section, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser's note for section 301.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5945

Derivation: United States Code
5 U.S.C. 70a
5 U.S.C. 70b

Revised Statutes and Statutes at Large
July 11, 1956, ch. 554, § 1, 70 Stat. 519.
July 11, 1956, ch. 554, § 2, 70 Stat. 520.

In the first sentence, the words "to be incurred by them in order" are omitted as surplusage. The words "from and after January 1, 1955" are omitted as obsolete.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 5946

Derivation: United States Code
5 U.S.C. 83

Revised Statutes and Statutes at Large
June 26, 1912, ch. 182, § 8, 37 Stat. 184.
Mar. 4, 1913, ch. 145 (3d full par. on
p. 854), 37 Stat. 854.

The words "or by sections 4109 and 4110 of this title" are added on authority of former sections 2309 and 2318(b), which are carried into sections 4109 and 4110, respectively.

In the last sentence, the words "This section does not" are substituted for "That nothing contained in the Act making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes, approved June twenty-sixth, nineteen hundred and twelve, shall be so construed as to" appearing in the Act of Mar. 4, 1913, 37 Stat. 854.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Subpart E—Attendance and Leave

CHAPTER 61—HOURS OF WORK

- Sec.
6101. Basic 40-hour workweek; work schedules; regulations.
6102. Eight-hour day; 40-hour workweek; wage-board employees.
6103. Holidays.
6104. Holidays; daily, hourly, and piece-work basis employees.
6105. Closing of Executive departments.
6106. Time clocks; restrictions.

SECTION 6101

Derivation: United States Code
(a), (b) 5 U.S.C. 944(a)

Revised Statutes and Statutes at Large
June 30, 1945, ch. 212, § 604(a), 59
Stat. 303.
Sept. 1, 1954, ch. 1208, § 210, 68 Stat.
1112.

(c) 5 U.S.C. 944(d) (less last
27 words)

June 30, 1945, ch. 212, § 604(e) (less
last 27 words), 59 Stat. 304.

In subsection (a), the words "in the departmental and the field services" are omitted as unnecessary.

In subsections (a) and (b), the words "an Executive agency, a military department" are coextensive with and substituted for "the several departments and independent establishments and agencies in the executive branch, including Government-owned or controlled corporations" and "such department, establishment, or agency" in view of the definitions in sections 105 and 102. The words "a military department" are included to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of

the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive Department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this section, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser's note for section 301.

Subsection (d) is added on authority of former sections 901(d) and 2358(a) (as applicable to the Federal Employees Pay Act of 1945, as amended) which are carried into section 5541, and to include individuals employed by the government of the District of Columbia as they are not included in the definition of "employee" in section 2105.

Subsection (e) is added on authority of former section 945, which is carried into section 5548.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 6102

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 673c (1st proviso)	Aug. 13, 1962, Pub. L. 87-581, § 201 (1st proviso), 76 Stat. 360.

The words "established at" are omitted as executed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 6103

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 87 5 U.S.C. 87a	June 28, 1894, ch. 118, 28 Stat. 96. May 13, 1938, ch. 210, 52 Stat. 351. June 1, 1954, ch. 250, 68 Stat. 168.
(b)	5 U.S.C. 87b 5 U.S.C. 87c	Dec. 26, 1941, ch. 631, 55 Stat. 862. Sept. 22, 1959, Pub. L. 86-362, §§ 1, 2, 73 Stat. 643, 644.
(c)	[Uncodified]	Jan. 11, 1957, Pub. L. 85-1, 71 Stat. 3.

In subsection (a), former sections 87, 87a, and 87b are combined and restated for clarity. The names of all holidays are inserted for ready reference in a like manner to that used in former section 87c.

In subsection (c), the year "1965" is substituted for "1957".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 6104

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 86a	June 29, 1938, ch. 818, § 1, 52 Stat. 1246. June 11, 1954, ch. 283, 68 Stat. 249. July 18, 1958, Pub. L. 85-533, § 2, 72 Stat. 377.

The enumeration of holidays is eliminated as unnecessary in view of section 6103.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 6105

Derivation: United States Code
5 U.S.C. 28

Revised Statutes and Statutes at Large
Mar. 3, 1893, ch. 211, § 4, 27 Stat. 715.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 6106

Derivation: United States Code
5 U.S.C. 27

Revised Statutes and Statutes at Large
Feb. 24, 1899, ch. 187, § 1 (14th par.
on p. 864), 30 Stat. 864.

The words "District of Columbia" are substituted for "Washington" as a clearer statement.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

CHAPTER 63—LEAVE

SUBCHAPTER I—ANNUAL AND SICK LEAVE

Sec.

- 6301. Definitions.
- 6302. General provisions.
- 6303. Annual leave; accrual.
- 6304. Annual leave; accumulation.
- 6305. Home leave; foreign-service leave.
- 6306. Annual leave; refund of lump-sum payment; recredit of annual leave.
- 6307. Sick leave; accrual and accumulation.
- 6308. Transfers between positions under different leave systems.
- 6309. Leave of absence; rural carriers.
- 6310. Leave of absence; aliens.
- 6311. Regulations.

SUBCHAPTER II—OTHER PAID LEAVE

Sec.

- 6321. Absence of veterans to attend funeral services.
- 6322. Leave for jury service.
- 6323. Military leave; Reserves and National Guardsmen.
- 6324. Absence of certain police and firemen.

SECTION 6301

Derivation: United States Code
(1) 5 U.S.C. 2061(d)

(2) 5 U.S.C. 2061(a), (b), (c) (1)
(less last sentence)

5 U.S.C. 2067

5 U.S.C. 2358(a) (less applicability to the Federal Employees Pay Act of 1945, as amended)

Revised Statutes and Statutes at Large

Sept. 6, 1960, Pub. L. 86-707,
§ 402(c), 74 Stat. 800.

Oct. 30, 1951, ch. 631, § 202, 65
Stat. 679.

July 2, 1953, ch. 178, § 1 "(c) (1)
(less last sentence)", 67 Stat. 136.

Sept. 6, 1960, Pub. L. 86-707, § 402(a),
74 Stat. 800.

Aug. 21, 1964, Pub. L. 88-471, § 6(a),
78 Stat. 583.

Aug. 21, 1964, Pub. L. 88-471,
§ 1, 78 Stat. 582.

July 17, 1959, Pub. L. 86-91, § 10(a)
(less applicability to the Federal
Employees Pay Act of 1945, as
amended), 73 Stat. 217.

In paragraph (1), the words “when used in a geographical sense” are added for clarity.

In paragraph (2), the words “an employee as defined by section 2105 of this title” are coextensive with and substituted for “civilian officers and employees of the United States . . . including officers and employees of corporations wholly owned or controlled by the United States”. Specific reference to officers and members of the Metropolitan Police force of the District of Columbia, the Fire Department of the District of Columbia, the United States Park Police force, and the White House Police force, as set forth in former section 2067, is omitted as unnecessary in view of the provisions of paragraph (2)(A), (B). The exception for “commissioned officers of the Public Health Service” and “commissioned officers of the Coast and Geodetic Survey” in former section 2061(b)(1)(E), (F) is omitted as unnecessary since these officers are excluded by the definition of the word “employee” in section 2105.

In paragraph (2)(ix), the words “as defined by section 901 of title 20” are added on authority of former section 2351, which section is scheduled for transfer to section 901 of title 20.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 6302

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)–(c)	5 U.S.C. 2064 (less (d), (e))	Oct. 30, 1951, ch. 631, § 205 (less (d)), 65 Stat. 681.
(d)	5 U.S.C. 2062(h)	Oct. 30, 1951, ch. 631, § 203(h), 65 Stat. 681.
(e)	5 U.S.C. 2061a(b)	July 2, 1953, ch. 178, § 2(b), 67 Stat. 137.

In subsection (d), the words “the head of the agency concerned” are substituted for “the heads of the various departments and independent establishments”.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 6303

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2062(a), (b), (e), (i)	Oct. 30, 1951, ch. 631, § 203(a), (b), (e), (i), 65 Stat. 679–681.
		Sept. 6, 1960, Pub. L. 86–707, § 401 “(e)”, 74 Stat. 799.
		Aug. 19, 1964, Pub. L. 88–448, § 203, 78 Stat. 487.
	5 U.S.C. 3101 (as applicable to 5 U.S.C. 2062 (a))	Aug. 19, 1964, Pub. L. 88–448, § 101 (as applicable to § 203), 78 Stat. 484.

In subsection (a), the words “Except as otherwise provided in this subsection” are omitted as unnecessary in view of the specific inclusion of the exception in the third sentence. The words “for the purposes of this subsection” are omitted as surplusage. The reference to “section 8332 of this title for the purpose of an annuity under subchapter III of chapter 83 of this title” is substituted for “section 3 of the Civil Service Retirement Act for the purposes of an annuity under such Act” to reflect the codification of that Act in this title. In paragraph (B), the words “on November 30, 1964, he was employed in a

position to which this subchapter applies and thereafter he continued to be so employed" are substituted for "immediately prior to the effective date of this sentence he was employed in a civilian office to which this Act applies and, on and after such date, he continued to be employed in any such office".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 6304

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 2062(c)	Oct. 30, 1951, ch. 631, § 203(c), 65 Stat. 680. July 2, 1953, ch. 178, § 3(a), 67 Stat. 137.
(b)	5 U.S.C. 2062(d)	Oct. 30, 1951, ch. 631, § 203(d), 65 Stat. 680. July 2, 1953, ch. 178, § 3(b), 67 Stat. 137. Sept. 6, 1960, Pub. L. 86-707, § 401 "(d)", 74 Stat. 799.
(c)	5 U.S.C. 2066(a)	Oct. 30, 1951, ch. 631, § 208(a), 65 Stat. 682. July 2, 1953, ch. 178, § 3(c), 67 Stat. 137.

The words "Except as provided by subsection (b) of this section" are added to subsection (a), and the words "Notwithstanding the provisions of subsection (c)" in former section 2062(d) are omitted as unnecessary because of the exception added to subsection (a).

The words "full biweekly pay period" are substituted for "complete biweekly pay period" to conform to section 6303.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 6305

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 2062(f)	Oct. 30, 1951, ch. 631, § 203(f), 65 Stat. 680. Sept. 6, 1960, Pub. L. 86-707, § 401 "(f)", 74 Stat. 799.
(b)	5 U.S.C. 2061(c)(2)	July 2, 1953, ch. 178, § 1 "(c)(2)", 67 Stat. 136.

The words "in his discretion" are omitted as unnecessary in view of the permissive grant of authority.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 6306

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 61b (3d-5th sentences)	Dec. 21, 1944, ch. 632, § 1 (1st proviso and so much of last sentence as precedes 2d proviso), 58 Stat. 845. July 2, 1953, ch. 178, § 4(a) (2d-4th sentences), 67 Stat. 137. Aug. 18, 1959, Pub. L. 86-168, § 202(e), 73 Stat. 389.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 6307

Derivation: United States Code
5 U.S.C. 2063

Revised Statutes and Statutes at Large
Oct. 30, 1951, ch. 631, § 204, 65 Stat.
681.
Aug. 21, 1964, Pub. L. 88-471, § 6(b),
(c), 78 Stat. 583.

The word "officer", referring to an officer of the Firefighting Division, is omitted as covered by the words "a member of the Firefighting Division".

In subsection (c), the words "with pay" are added for clarity.

Standard changes are made to conform with the definitions applicable and style of this title as outlined in the preface to the report.

SECTION 6308

Derivation: United States Code
5 U.S.C. 2064(e)

Revised Statutes and Statutes at Large
July 2, 1953, ch. 178, § 4(b), 67 Stat.
138.
Aug. 18, 1959, Pub. L. 86-168, § 202(e),
73 Stat. 389.
Aug. 21, 1964, Pub. L. 88-471, § 6(d),
78 Stat. 583.

In the last sentence, the word "officer" is omitted as covered by the word "member", and the words "sections 521-535 of title 4, District of Columbia Code" are substituted for "the Policemen and Firemen's Retirement and Disability Act, as amended".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 6309

Derivation: United States Code
5 U.S.C. 2064(d)

Revised Statutes and Statutes at Large
Oct. 30, 1951, ch. 631, § 205(d), 65
Stat. 681.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 6310

Derivation: United States Code
5 U.S.C. 2062(g)

Revised Statutes and Statutes at Large
Oct. 30, 1951, ch. 631, § 203(g), 65
Stat. 681.
Sept. 6, 1960, Pub. L. 86-707, § 402(b),
74 Stat. 800.

The words "head of the agency concerned" are substituted for "head of the department or agency concerned".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 6311

Derivation: United States Code
5 U.S.C. 2065

Revised Statutes and Statutes at Large
Oct. 30, 1951, ch. 631, § 206, 65 Stat.
681.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 6321

Derivation: United States Code
5 U.S.C. 30q

Revised Statutes and Statutes at Large
Aug. 16, 1949, ch. 441, 63 Stat. 608.
July 17, 1952, ch. 932, § 1, 66 Stat. 758.

The words "Executive agency" are coextensive with and substituted for "executive branch of the Government" in view of the definition of "Executive agency" in section 105.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 6322

Derivation: United States Code
5 U.S.C. 30n

Revised Statutes and Statutes at Large
June 29, 1940, ch. 446, § 1, 54 Stat. 689.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 6323

Derivation: United States Code
5 U.S.C. 30r(a)

Revised Statutes and Statutes at Large
Aug. 10, 1956, ch. 1041, § 29(a), 70A Stat. 632.
Sept. 2, 1958, Pub. L. 85-861, § 13, 72 Stat. 1557.
June 30, 1960, Pub. L. 86-559, § 7, 74 Stat. 282.
Oct. 4, 1961, Pub. L. 87-378, § 7(a), 75 Stat. 809.

In subsection (a), the words "without regard to classification or terminology peculiar to the Civil Service system" are omitted as unnecessary. The word "performance" is added on authority of the Performance Rating Act of 1950, which is carried into chapter 43 of this title.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 6324

Derivation: United States Code
5 U.S.C. 2071

Revised Statutes and Statutes at Large
Aug. 21, 1964, Pub. L. 88-471, § 5, 78 Stat. 583.

The word "officer" is omitted as covered by "member".

In subsection (b), the words "injury or illness" are substituted for "injury or disease" to conform to subsection (a).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Subpart F—Employee Relations

CHAPTER 71—POLICIES

SUBCHAPTER I—EMPLOYEE ORGANIZATIONS

Sec.

7101. Right to organize; postal employees.

7102. Right to petition Congress; employees.

SUBCHAPTER II—ANTIDISCRIMINATION IN EMPLOYMENT

Sec.

7151. Policy.

7152. Marital status.

7153. Physical handicap.

7154. Other prohibitions.

SECTION 7101

Derivation: United States Code
5 U.S.C. 652(c)

Revised Statutes and Statutes at Large
Aug. 24, 1912, ch. 389, § 6 (proviso),
37 Stat. 555.
June 10, 1948, ch. 447 "Sec. 6(c)", 62
Stat. 356.

Reference to "society, association, club" is omitted as included within the word "organization".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7102

Derivation: United States Code
5 U.S.C. 652(d)

Revised Statutes and Statutes at Large
Aug. 24, 1912, ch. 389, § 6 (last
sentence), 37 Stat. 555.
June 10, 1948, ch. 447 "Sec. 6(d)",
62 Stat. 356.

The words "in the civil service" are omitted as unnecessary in view of the definition of "employee" in section 2105.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7151

Derivation: United States Code
42 U.S.C. 2000e(b) (2d
proviso)

Revised Statutes and Statutes at Large
July 2, 1964, Pub. L. 88-352, § 701(b)
(2d proviso), 78 Stat. 254.

The word "Federal" is omitted as unnecessary in view of the definition of "employee" in section 2105.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7152

Derivation: United States Code
5 U.S.C. 633(2)6 (less 1st
sentence)

Revised Statutes and Statutes at Large
July 26, 1937, ch. 522, 50 Stat. 533.

The authority of the President to prescribe rules is added on authority of former section 633(1), which is carried into section 3302. The section is rewritten as a general prohibition instead of specifying each of the personnel actions to which the prohibition applies. The words "in an Executive agency or in the competitive service" are added for clarity. The sentence "All Acts or parts of Acts inconsistent herewith are repealed." is omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7153

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 633(2)9	June 10, 1948, ch. 434, 62 Stat. 351.

The authority of the President to prescribe rules is added on authority of former section 633(1), which is carried into section 3302. The section is rewritten as a general prohibition instead of specifying the personnel actions included in former section 633(2)9. The words "in an Executive agency or in the competitive service" are added for clarity.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7154

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 33	R.S. § 165.
(b)	5 U.S.C. 1074	Oct. 28, 1949, ch. 782, § 1103, 63 Stat. 972.

In subsection (a), the words "Executive department" are substituted for "department" as the definition of "department" applicable to this section is coextensive with the definition of "Executive department" in section 101. The words "or military department" are inserted to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this subsection, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser's note for section 301. The words "in the discretion of" are omitted as unnecessary in view of the permissive grant of authority. The words "positions in the department" are substituted for "any of the clerkships therein authorized by law". The words "upon the same requisites and conditions" are omitted as unnecessary. The words "legal pay of the position to which appointed" are substituted for "same compensations, as are prescribed for men".

This subsection was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, § 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579 (former 5 U.S.C. 171-1), which provides "Except to

the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense" is omitted from this title, but is not repealed.

Subsection (c) is added on authority of former sections 1072 and 1072a, which are codified in section 5115.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

CHAPTER 73—SUITABILITY, SECURITY, AND CONDUCT

SUBCHAPTER I—REGULATION OF CONDUCT

Sec.

7301. Presidential regulations.

SUBCHAPTER II—LOYALTY, SECURITY, AND STRIKING

Sec.

7311. Loyalty and striking.

7312. Employment and clearance; individuals removed for national security.

SUBCHAPTER III—POLITICAL ACTIVITIES

Sec.

7321. Political contributions and services.

7322. Political use of authority or influence; prohibition.

7323. Political contributions; prohibition.

7324. Influencing elections; taking part in political campaigns; prohibitions; exceptions.

7325. Penalties.

7326. Nonpartisan political activity permitted.

7327. Political activity permitted; employees residing in certain municipalities.

SUBCHAPTER IV—FOREIGN DECORATIONS

Sec.

7341. Receipt and display of foreign decorations.

SUBCHAPTER V—MISCONDUCT

Sec.

7351. Gifts to superiors.

7352. Excessive and habitual use of intoxicants.

SECTION 7301

Derivation: United States Code

5 U.S.C. 631 (last 16 words)

Revised Statutes and Statutes at Large

R.S. § 1753 (last 16 words).

The words "employees in the executive branch" are substituted for "persons who may receive appointments in the civil service".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7311

Derivation: United States Code

5 U.S.C. 118p
[Uncodified]

Revised Statutes and Statutes at Large

Aug. 9, 1955, ch. 690, § 1, 69 Stat. 624.
June 29, 1956, ch. 479, § 3, (as applicable to the Act of Aug. 9, 1955, ch. 690, § 1, 69 Stat. 624), 70 Stat. 453.

The word "position" is coextensive with and is substituted for "office or employment".

In paragraphs (1) and (2), the words "in the United States" in former section 118p(1), (2) are omitted as unnecessary in view of the reference to "our constitutional form of government".

In paragraphs (3) and (4), the reference to the "government of the District of Columbia" is added on authority of the Act of June 29, 1956, in order to make these paragraphs meaningful with respect to individuals employed by the government of the District of Columbia. The words "From and after July 1, 1956", appearing in the Act of June 29, 1956, are omitted as executed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7312

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 22-1 (4th and 5th provisos)	Aug. 26, 1950, ch. 803, § 1 (4th and 5th provisos), 64 Stat. 477.

The words "Removal under section 7532 of this title" and "so removed" are coextensive with and substituted for "termination of employment herein provided" and "whose employment has been terminated under the provisions of said sections", respectively.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7321

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 633(2)5	Jan. 16, 1883, ch. 27, § 2(2)5, 22 Stat. 404.

The authority of the President to prescribe rules is added on authority of former section 633(1), which is carried into section 3302 of this title.

The words "employee in an Executive agency or in the competitive service" are substituted for "person in the public service" for clarity.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7322

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 633(2)6 (1st sentence)	Jan. 16, 1883, ch. 27, § 2(2)6, 22 Stat. 404.

The authority of the President to prescribe rules is added on authority of former section 633(1), which is carried into section 3302 of this title.

The words "employee in an Executive agency or in the competitive service" are substituted for "person in said service" for clarity.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7323

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 118o	Aug. 15, 1876, ch. 287, § 6, 19 Stat. 169.

The words "An employee of an Executive agency (except one appointed by the President, by and with the advice and consent of the Senate)" are substituted for "Any executive officer or employee of the United States not appointed by the President, with the advice and consent of the Senate," because of the definitions in sections 105 and 2105. The words "an employee, a Member of Congress, or an officer of a uniformed service" are substituted for "any other officer or employee of the Government". In the last sentence, the word "removed" is substituted for "at once discharged" because of the provisions of the Lloyd-LaFollette Act, 37 Stat. 555, as amended, and the Veterans' Preference Act of 1944, 58 Stat. 387, as amended, which are carried into this title.

The criminal penalty appearing in the last 25 words of section 6 of the Act of Aug. 15, 1876, is omitted as superseded by sections 602 and 607 of title 18.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7324

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 118i(a) (1st 2 sentences)	Aug. 2, 1939, ch. 410, § 9(a) (1st 2 sentences), 53 Stat. 1148. Mar. 27, 1942, ch. 199, § 701, 56 Stat. 181.
	5 U.S.C. 118k-3 (1st 33 words)	July 19, 1940, ch. 640, § 4 "Sec. 14 (1st 33 words)", 54 Stat. 771.
	5 U.S.C. 118l (less applicability to 5 U.S.C. 118k)	July 19, 1940, ch. 640, § 4 "Sec. 15 (less applicability to § 12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, § 4, 54 Stat. 767)", 54 Stat. 771.
(b)	5 U.S.C. 118i(a) (3d sentence)	Aug. 2, 1939, ch. 410, § 9(a) (3d sentence), 53 Stat. 1148. July 19, 1940, ch. 640, § 2, 54 Stat. 767.
(c)	5 U.S.C. 118k-1 (less applicability to 5 U.S.C. 118k)	Oct. 24, 1942, ch. 620 "Sec. 21 (less applicability to § 12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, § 4, 54 Stat. 767)", 56 Stat. 986.
(d)	5 U.S.C. 118i(a) (4th sentence)	Aug. 2, 1939, ch. 410, § 9(a) (4th sentence), 53 Stat. 1148.
	5 U.S.C. 118k-3 (less 1st 33 words)	July 19, 1940, ch. 640, § 4 "Sec. 14 (less 1st 33 words)", 54 Stat. 771.

In subsection (a), the words "July 19, 1940" are substituted for "at the time this section takes effect". The amendment made by the Act of Mar. 27, 1942, is omitted because it expired Mar. 31, 1947, under section 1501 of that Act, as added June 29, 1946, ch. 526, § 1, 60 Stat. 345; 50A U.S.C. 645.

In subsection (c), the reference in the Act of Oct. 24, 1942, to section 2 of the Act of Aug. 2, 1939, is omitted as that section was repealed by the Act of June 25, 1948, ch. 645, § 21, 62 Stat. 867, and is now covered by section 595 of title 18.

In subsection (d), the exception for the President and Vice-President of the United States is omitted as unnecessary, as they are not "employees" under the definition in section 2105. In subsection (d)(2), the words "or military departments" are inserted to preserve the application of the source law. Before enactment of the National

Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive Department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this subsection, which was in effect in 1949, remained inapplicable to the head or assistant head of a military department by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser's note for section 301.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7325

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 118i(b) (less last proviso, and less last sentence)	Aug. 2, 1939, ch. 410, § 9(b), 53 Stat. 1148. Aug. 25, 1950, ch. 784, § 1 "Sec. 9(b) (less last proviso, and less last sentence)", 64 Stat. 475. Oct. 5, 1962, Pub. L. 87-753, 76 Stat. 750.

The word "removed" is substituted for "removed immediately" because of the provisions of the Veterans' Preference Act of 1944, 58 Stat. 387, as amended, which is carried into this title. The words "or office" are omitted as included in "position". The words "by any Act of Congress" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7326

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 118n (less applicability to 5 U.S.C. 118k (a))	July 19, 1940, ch. 640, § 4 "Sec. 18 (less applicability to § 12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, § 4, 54 Stat. 767)", 54 Stat. 772.

The words "or political party of a territory or possession of the United States" are added on authority of former section 118k-2, which is carried into section 1501.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7327

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 118i(a) (less 1st 4 sentences)	Aug. 8, 1946, ch. 904, 60 Stat. 937.
(b)	5 U.S.C. 118m	July 19, 1940, ch. 640, § 4 "Sec. 16", 54 Stat. 771.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7341

Derivation: United States Code
 5 U.S.C. 114
 5 U.S.C. 115
 5 U.S.C. 115a

Revised Statutes and Statutes at Large
 Jan. 31, 1881, ch. 32, § 2, 21 Stat. 604.
 Jan. 31, 1881, ch. 32, § 3, 21 Stat. 604.
 June 27, 1934, ch. 850, § 2, 48 Stat.
 1267.

The words "an employee, a Member of Congress, the President, or a member of a uniformed service" are coextensive with and substituted for "any officer of the United States, civil, naval, or military". The words "89th Congress" are substituted for "75th Congress".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7351

Derivation: United States Code
 5 U.S.C. 113

Revised Statutes and Statutes at Large
 R.S. § 1784.

The application of the section is confined to employees, since the President and Members of Congress, though officers, could not have been intended to be "summarily discharged", and members of uniformed services are not covered by this statute. In the last sentence, the word "removed" is substituted for "summarily discharged" because of the provisions of the Lloyd-LaFollette Act, 37 Stat. 555, as amended, and the Veterans' Preference Act of 1944, 58 Stat. 387, as amended, which are carried into this title.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7352

Derivation: United States Code
 5 U.S.C. 640

Revised Statutes and Statutes at Large
 Jan. 16, 1883, ch. 27, § 8, 22 Stat. 406.

The word "employed" is substituted for "appointed to, or retained in" because it includes both.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

CHAPTER 75—ADVERSE ACTIONS

SUBCHAPTER I—COMPETITIVE SERVICE

Sec.

7501. Cause; procedure; exception.

SUBCHAPTER II—PREFERENCE ELIGIBLES

Sec.

7511. Definitions.

7512. Cause; procedure; exception.

SUBCHAPTER III—HEARING EXAMINERS

Sec.

7521. Removal.

SUBCHAPTER IV—NATIONAL SECURITY

Sec.

7531. Definitions.

7532. Suspension and removal.

7533. Effect on other statutes.

SECTION 7501

Derivation: United States Code
5 U.S.C. 652(a)

Revised Statutes and Statutes at Large
Aug. 24, 1912, ch. 389, § 6 (less proviso,
and less last sentence), 37 Stat. 555.
June 10, 1948, ch. 447 "Sec. 6(a)", 62
Stat. 354.

In subsection (c), the second sentence is added on authority of the first 9 words of former section 22-1, which is carried in part into section 7532.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7511

The section is supplied on authority of sections 2, 14, and 20 of the Act of June 27, 1944, ch. 287, 58 Stat. 387, 390, and 391, which are carried into this title.

In paragraph (2), the word "removal" is coextensive with and substituted for "discharge".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7512

Derivation: United States Code
5 U.S.C. 863 (1st 168
words)

Revised Statutes and Statutes at Large
June 27, 1944, ch. 287, § 14 (1st 168
words), 58 Stat. 390.

The application of this section is covered by the definitions in sections 105, 2105, 2108, and 7511.

Subsection (b)(3) is added on authority of the last 24 words before the first proviso in former section 863, which is carried in part into this section and section 7701.

Subsection (c) is added on authority of the first 16 words of former section 22-1, which is carried in part into section 7532.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7521

Derivation: United States Code
5 U.S.C. 1010 (2d sentence)

Revised Statutes and Statutes at Large
June 11, 1946, ch. 324, § 11 (2d sen-
tence), 60 stat. 244.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7531

Derivation: United States Code
5 U.S.C. 22-3

Revised Statutes and Statutes at Large
Aug. 26, 1950, ch. 823, § 3, 64 Stat. 477.

Paragraphs (1)–(8) are supplied on authority of former section 22–1, which is carried in part into section 7532. The references to “the Foreign Service of the United States” and “several field services” are omitted as unnecessary since they are within the agencies concerned. The words “military departments” are substituted for the enumeration of the military departments in view of the definition of “military department” in section 102.

The reference to the National Security Resources Board is omitted as the Board was abolished by 1953 Reorg. Plan No. 3, § 6, eff. June 12, 1953, 67 Stat. 636.

Paragraph (9) is restated to conform to the style of this title.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7532

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 22–1 (less 3d–5th provisos)	Aug. 26, 1950, ch. 803, § 1 (less 3d–5th provisos), 64 Stat. 476. July 29, 1958, Pub. L. 85–568, § 301(c), 72 Stat. 432.

The application of this section is covered by the definition in section 7531.

In subsection (a), the words “Notwithstanding the provisions of section 652 of this title” are omitted but are carried into section 7501(c). The words “in his absolute discretion” are omitted as unnecessary in view of the permissive grant of authority. The word “reinstated” is omitted as it is commonly used in other statutes to denote action different from that referred to here.

In subsections (b) and (c), the words “remove” and “removal” are coextensive with and substituted for “terminate the employment”, “termination”, and “employment is terminated”, as appropriate.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7533

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 22–2	Aug. 26, 1950, ch. 803, § 2, 64 Stat. 477.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

CHAPTER 77—APPEALS

Sec.

7701. Appeals of preference eligibles.

SECTION 7701

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 863 (less 1st 168 words, and less 2d proviso)	June 27, 1944, ch. 287, § 14 (less 1st 168 words, and less 2d proviso), 58 Stat. 390.
	5 U.S.C. 868 (proviso)	Aug. 4, 1947, ch. 447, 61 Stat. 723. June 22, 1948, ch. 604, 62 Stat. 575.

The application of the section is established by the words "A preference eligible employee as defined by section 7511 of this title". Specific mention of the actions appealable are covered by the reference to "an adverse decision under section 7512 of this title". The words "administrative authority" are substituted for "administrative officer" to avoid conflict with the definitions of "employee" and "officer" in chapter 21 of this title and to include an individual who is employed by the government of the District of Columbia or who is a member of a uniformed service as such an individual could have been an "administrative officer" under former section 863. The words "the date of" in the phrase "after the date of receipt of notice" are omitted as unnecessary. The words "reasonable rules and" in the phrase "reasonable rules and regulations" are omitted as unnecessary. The word "proper" in the phrase "proper administrative officer" is omitted as unnecessary. The word "designated" in the phrase "designated representative" is omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

CHAPTER 79—SERVICES TO EMPLOYEES

Sec.

7901. Health service programs.

7902. Safety programs.

7903. Protective clothing and equipment.

SECTION 7901

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 150	Aug. 8, 1946, ch. 865, 60 Stat. 903. Sept. 23, 1950, ch. 1010, § 8, 64 Stat. 986.

In subsection (a), the words "agency of the Government of the United States" are coextensive with and substituted for "departments and agencies, including Government-owned and controlled corporations" to avoid confusion with the definitions in sections 101-105.

In subsection (d), the word "appropriate" in the phrase "appropriate comment and recommendations" is omitted as unnecessary. The words "to the head of the agency concerned" are added for clarity.

In subsection (e), the substance of the definition of "physician" in former section 790 is substituted for the reference to that section.

In subsection (f)(2) and (3), the words "Canal Zone Government" and "Panama Canal Company" are substituted for "Panama Canal" and "Panama Railroad", respectively, on the authority of the Act of Sept. 26, 1950, ch. 1049, § 2(a), 64 Stat. 1038.

The last proviso of the first sentence of the Act of Aug. 8, 1946, is omitted as executed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7902

Derivation: United States Code
5 U.S.C. 784 (less (a))

Revised Statutes and Statutes at Large
Dec. 22, 1944, ch. 664, 58 Stat. 887.
Oct. 14, 1949, ch. 691, § 209, 63 Stat. 865.

Subsection (a) is added on authority of former sections 790(b) and 794 (1st sentence), which are carried into section 8101.

The words "Secretary of Labor" and "Secretary" are substituted for "Administrator" on authority of section 1 of 1950 Reorg. Plan No. 19, eff. May 24, 1950, 64 Stat. 1271.

In subsection (d), the word "foster" is omitted as included in "develop and support". The words "and reduce compensable injuries" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 7903

Derivation: United States Code
5 U.S.C. 118g

Revised Statutes and Statutes at Large
Aug. 2, 1946, ch. 744, § 13, 60 Stat. 809.

The definition of the word "appropriations" is added on authority of section 18 of the Act of Aug. 2, 1946, ch. 744, 60 Stat. 811.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Subpart G—Insurance and Annuities**CHAPTER 81—COMPENSATION FOR WORK INJURIES****SUBCHAPTER I—GENERALLY**

Sec.

- 8101. Definitions.
- 8102. Compensation for disability or death of employee.
- 8103. Medical services and initial medical and other benefits.
- 8104. Vocational rehabilitation.
- 8105. Total disability.
- 8106. Partial disability.
- 8107. Compensation schedule.
- 8108. Reduction of compensation for subsequent injury to same member.
- 8109. Beneficiaries of awards unpaid at death; order of precedence.
- 8110. Augmented compensation for dependents.
- 8111. Additional compensation for services of attendants or vocational rehabilitation.
- 8112. Maximum and minimum monthly payments.
- 8113. Increase or decrease of basic compensation.
- 8114. Computation of pay.
- 8115. Determination of wage-earning capacity.
- 8116. Limitations on right to receive compensation.
- 8117. Time of accrual of right.
- 8118. Election to use annual or sick leave.
- 8119. Notice of injury; failure to give.
- 8120. Report of injury.
- 8121. Claim.
- 8122. Time for making claim.
- 8123. Physical examinations.
- 8124. Findings and award.
- 8125. Misbehavior at proceedings.
- 8126. Subpenas; oaths; examination of witnesses.
- 8127. Representation; attorneys' fees.
- 8128. Review of award.
- 8129. Recovery of overpayments.
- 8130. Assignment of claim.
- 8131. Subrogation of the United States.
- 8132. Adjustment after recovery from a third person.
- 8133. Compensation in case of death.
- 8134. Funeral expenses; transportation of body.
- 8135. Lump-sum payment.
- 8136. Initial payments outside the United States.
- 8137. Compensation for noncitizens and nonresidents.
- 8138. Minimum limit modification for noncitizens and aliens.
- 8139. Employees of the District of Columbia.
- 8140. Members of the Reserve Officers' Training Corps.
- 8141. Civil Air Patrol volunteers.
- 8142. Peace Corps volunteers.
- 8143. Job Corps enrollees; volunteers in service to America.
- 8144. Student-employees.
- 8145. Administration.
- 8146. Administration for the Canal Zone and The Alaska Railroad.
- 8147. Employees' Compensation Fund.
- 8148. Reports.
- 8149. Regulations.
- 8150. Effect on other statutes.

SUBCHAPTER II—EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES

Sec.

8171. Compensation for work injuries; generally.

8172. Employees not citizens or residents of the United States.

8173. Liability under this subchapter exclusive.

SECTION 8101

Derivation:	United States Code	Revised Statutes and Statutes at Large
(1)–(5), (12)–(16)	5 U.S.C. 790	Sept. 7, 1916, ch. 458, § 40, 39 Stat. 750. June 5, 1924, ch. 261, § 2, 43 Stat. 389. May 31, 1938, ch. 293, 52 Stat. 586. Apr. 11, 1940, ch. 79, § 1, 54 Stat. 105. July 1, 1944, ch. 373, § 605(b), 58 Stat. 712. Aug. 13, 1946, ch. 958, § 5, 60 Stat. 1049. Oct. 14, 1949, ch. 691, § 108, 63 Stat. 860. July 30, 1956, ch. 779, § 3(b), 70 Stat. 721. Aug. 1, 1956, ch. 837, § 501(e), 70 Stat. 883. Aug. 8, 1958, Pub. L. 85–608, § 302, 72 Stat. 539. Sept. 13, 1960, Pub. L. 86–767, § 208, 74 Stat. 908. Sept. 4, 1964, Pub. L. 88–581, § 4(b), 78 Stat. 919.
	5 U.S.C. 794 (1st sentence)	July 11, 1919, ch. 7, § 11 (1st sentence), 41 Stat. 104.
	[Uncodified]	Aug. 25, 1958, Pub. L. 85–745, § 1(b) (last sentence, as applicable to the Federal Employees' Compensation Act), 72 Stat. 838.
(6)–(10)	5 U.S.C. 760(H)	Sept. 7, 1916, ch. 458, § 10(H), 39 Stat. 745. Feb. 12, 1927, ch. 110, § 2, 44 Stat. 1087.
(11)	5 U.S.C. 760(B) (last 23 words of 1st sentence)	Sept. 7, 1916, ch. 458, § 10(B) (last 15 words of 1st sentence), 39 Stat. 744. Oct. 14, 1949, ch. 691, § 106(c) “(B) (last 23 words of 1st sentence)”, 63 Stat. 859.

Former section 790(a) is omitted as unnecessary in view of section 1 of title 1, United States Code.

Former section 790(c) is omitted as unnecessary as the term “commission” is not used in this subchapter.

Former section 790(i) is omitted as unnecessary as the title “Secretary of Labor” (substituted for “Federal Security Administrator” by 1950 Reorg. Plan No. 19, § 1, eff. May 24, 1950, 64 Stat. 1271) is fully set out the first time it is used in each section.

In paragraph (1)(B), the words “to the United States” are substituted for “to any department, independent establishment, or agency thereof (including instrumentalities of the United States wholly owned by it)”.

In paragraph (1)(C), the words “subsequent to September 7, 1916” are omitted as obsolete.

In paragraph (1)(iv), the words “under sections 521–535 of title 4, District of Columbia Code” are substituted for “under the provisions

of the District of Columbia Appropriation Act approved September 1, 1916”.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8102

Derivation: United States Code
5 U.S.C. 751

Revised Statutes and Statutes at Large
Sept. 7, 1916, ch. 458, § 1, 39 Stat. 742.
Aug. 8, 1958, Pub. L. 85-608, § 301, 72 Stat. 538.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8103

Derivation: United States Code
5 U.S.C. 759(a)

Revised Statutes and Statutes at Large
Sept. 7, 1916, ch. 458, § 9, 39 Stat. 743.
June 26, 1926, ch. 695, § 1, 44 Stat. 772.
Oct. 14, 1949, ch. 691, § 202(b), 63 Stat. 862.
Sept. 13, 1960, Pub. L. 86-767, § 203, 74 Stat. 907.

In subsection (b), the words “when the immediate superior of the employee certifies” are substituted for “upon certification by the person required by section 774 of this title to make reports of injury”.

The last sentence of former section 759(a) is omitted as executed.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8104

Derivation: United States Code
5 U.S.C. 759(b)

Revised Statutes and Statutes at Large
Oct. 14, 1949, ch. 691, § 202(a), 63 Stat. 862.

In the third sentence, the words “the Secretary of Health, Education, and Welfare” are substituted for “him”, referring to the Administrator, on authority of section 1 (proviso) of 1950 Reorg. Plan No. 19, 64 Stat. 1271, and section 5 of 1953 Reorg. Plan No. 1, 67 Stat. 632.

The words “State agencies or corresponding agencies” are substituted for “State agencies (or corresponding agencies in Territories or possessions)” as the agencies available for cooperation are set out in the Vocational Rehabilitation Act (chapter 4 of title 29).

The words “section 32(b)(1) of title 29” are substituted for “section 33(a)(4) of title 29” on authority of the Act of Aug. 3, 1954, ch. 655, § 2, 68 Stat. 652. Reference is limited to section 32(b)(1) since section 32(b)(2), (3) is obsolete.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8105

Derivation: United States Code
5 U.S.C. 753

Revised Statutes and Statutes at Large
Sept. 7, 1916, ch. 458, § 3, 39 Stat. 743.
Oct. 14, 1949, ch. 691, § 102, 63 Stat.
855.

In subsection (a), the words "Except as otherwise provided in sections 751-756, 757-781, 783-791, and 793 of this title" are omitted as surplusage.

In subsection (b), the words "Loss, or" are omitted as included in "loss of use of". The words "or the loss of sight of both eyes" are substituted for "or both eyes or the sight thereof".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8106

Derivation: United States Code
5 U.S.C. 754

Revised Statutes and Statutes at Large
Sept. 7, 1916, ch. 458, § 4, 39 Stat. 743.
Oct. 14, 1949, ch. 691, § 103(a), 63
Stat. 855.

In subsection (a), the words "Except as otherwise provided in sections 751-756, 757-781, 783-791, and 793 of this title" are omitted as surplusage.

In subsection (b), the word "remuneration" is omitted as covered by the word "earnings".

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8107

Derivation: United States Code
5 U.S.C. 755 (a), (b)

Revised Statutes and Statutes at Large
Sept. 7, 1916, ch. 458, § 5, 39 Stat. 743.
Oct. 14, 1949, ch. 691, § 104 "Sec. 5
(a), (b)", 63 Stat. 855.
Sept. 13, 1960, Pub. L. 86-767, § 201,
74 Stat. 907.

The words "loss, or" are omitted throughout this section as included in "loss of use of".

In subsection (a)(B), the words "under sections 751-754 of this title" are omitted as surplusage.

In subsection (b)(1), the words "(including paragraphs (16) and (20) thereof)" are omitted as surplusage.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8108

Derivation: United States Code
5 U.S.C. 755(c)

Revised Statutes and Statutes at Large
Oct. 14, 1949, ch. 691, § 104 "Sec.
5(c)", 63 Stat. 857.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8109

Derivation: United States Code
5 U.S.C. 755(d)

Revised Statutes and Statutes at Large
Oct. 14, 1949, ch. § 691, § 104 "Sec.
5(d)", 63 Stat. 857.

The references in former section 755(d) to definitions in former section 760(B), (H) are omitted as unnecessary as the definitions are included in section 8101 for the entire subchapter.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8110

Derivation: United States Code
5 U.S.C. 756(a)

Revised Statutes and Statutes at Large
Sept. 7, 1916, ch. 458, § 6, 39 Stat. 743.
Feb. 12, 1927, ch. 110, § 1, 44 Stat.
1086.
May 13, 1936, ch. 382, 49 Stat. 1270.
Oct. 14, 1949, ch. 691, § 105 "Sec.
6(a)", 63 Stat. 858.

The references in former section 756(a)(2) to definitions in former section 760(H) are omitted as unnecessary as the definitions are included in section 8101 for the entire subchapter.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8111

Derivation: United States Code
5 U.S.C. 756(b)

Revised Statutes and Statutes at Large
Oct. 14, 1949, ch. 691, § 105 "Sec.
6(b)", 63 Stat. 858.
Sept. 13, 1960, Pub. L. 86-767, § 101
(less last 13 words), 74 Stat. 906.

In subsection (a), the words "In addition to the monthly compensation otherwise specified in sections 751-756, 757-781, 783-791, and 793 of this title" are omitted as surplusage.

In subsection (b), the words "pursuant to the Secretary's direction" are omitted as unnecessary.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8112

Derivation: United States Code
5 U.S.C. 756(c)

Revised Statutes and Statutes at Large
Oct. 14, 1949, ch. 691, § 105 "Sec.
6(c)", 63 Stat. 859.
Sept. 13, 1960, Pub. L. 86-767, § 101
(last 13 words), 74 Stat. 906.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8113

Derivation: United States Code
5 U.S.C. 756(d)

Revised Statutes and Statutes at Large
Oct. 14, 1949, ch. 691, § 105 "Sec.
6(d)", 63 Stat. 859.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8114

Derivation: United States Code
5 U.S.C. 762

Revised Statutes and Statutes at Large
Sept. 7, 1916, ch. 458, § 12, 39 Stat. 746.
Oct. 14, 1949, ch. 691, § 203, 63 Stat.
862.

In subsection (d)(4), the words "the minimum rate of basic pay for GS-15" are substituted for "the basic rate of annual compensation specified under the Classification Act of 1949, as amended, for positions in grade GS-15 at the bottom of such grade". In former section 762, the words "Classification Act of 1949" were substituted for "Classification Act of 1923" on authority of § 1106(a) of the Act of Oct. 28, 1949, ch. 782, 63 Stat. 972.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8115

Derivation: United States Code
5 U.S.C. 763

Revised Statutes and Statutes at Large
Sept. 7, 1916, ch. 458, § 13, 39 Stat.
746.
Oct. 14, 1949, ch. 691, § 204, 63 Stat.
864.
Sept. 13, 1960, Pub. L. 86-767, § 204,
74 Stat. 908.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8116

Derivation: United States Code
5 U.S.C. 757

Revised Statutes and Statutes at Large
Sept. 7, 1916, ch. 458, § 7, 39 Stat. 743.
July 1, 1944, ch. 373, § 605(a), 58
Stat. 712.
Aug. 13, 1946, ch. 958, § 5, 60 Stat.
1049.
Oct. 14, 1949, ch. 691, § 201, 63 Stat.
861.
July 30, 1956, ch. 779, § 3(b), 70 Stat.
721.
Sept. 13, 1960, Pub. L. 86-767, § 202,
74 Stat. 907.
Sept. 4, 1964, Pub. L. 88-581, § 4(b),
78 Stat. 919.

In subsection (a)(2), "Air Force" is added on authority of the Act of July 26, 1947, ch. 343, § 207(a), (f), 61 Stat. 502, and sections 8010-8013 of title 10, United States Code.

In subsection (b), the reference to the definition of "employee" in former section 790 is omitted as unnecessary as the definition is included in section 8101 for the entire subchapter.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8117

Derivation: United States Code
5 U.S.C. 752

Revised Statutes and Statutes at Large
Sept. 7, 1916, ch. 458, § 2, 39 Stat. 743.
Oct. 14, 1949, ch. 691, § 101(a), 63
Stat. 854.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8118

Derivation: United States Code
5 U.S.C. 758

Revised Statutes and Statutes at Large
Sept. 7, 1916, ch. 458, § 8, 39 Stat. 743.
Oct. 14, 1949, ch. 691, § 101(b), 63
Stat. 854.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8119

Derivation: United States Code
(a) 5 U.S.C. 765
5 U.S.C. 766
(b) 5 U.S.C. 767

Revised Statutes and Statutes at Large
Sept. 7, 1916, ch. 458, § 15, 39 Stat. 746.
Sept. 7, 1916, ch. 458, § 16, 39 Stat. 746.
Sept. 7, 1916, ch. 458, § 17, 39 Stat. 746.

Subsection (b)(2) is added on authority of former section 770, which is carried into section 8122, to complete the coverage of this section.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8120

Derivation: United States Code
5 U.S.C. 774(a)
5 U.S.C. 779

Revised Statutes and Statutes at Large
Sept. 7, 1916, ch. 458, § 24, 39 Stat. 747.
Sept. 7, 1916, ch. 458, § 28a, 39 Stat.
748.
Oct. 14, 1949, ch. 691, § 205(b), 63
Stat. 864.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8121

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 768	Sept. 7, 1916, ch. 458, § 18, 39 Stat. 746.
	5 U.S.C. 769	Sept. 7, 1916, ch. 458, § 19, 39 Stat. 746.

The words "except as provided in section 788" in former section 768 are omitted as unnecessary as former section 788 dealt with recovery of overpayments after claims were made.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8122

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 770	Sept. 7, 1916, ch. 458, § 20, 39 Stat. 747.
		June 13, 1922, ch. 219, 42 Stat. 650.
		July 28, 1945, ch. 328, § 1, 59 Stat. 503.
		Sept. 13, 1960, Pub. L. 86-767, § 205, 74 Stat. 908.

The last sentence of the Act of June 13, 1922, 42 Stat. 650, is omitted as obsolete.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8123

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 771	Sept. 7, 1916, ch. 458, § 21, 39 Stat. 747.
		June 26, 1926, ch. 695, § 2, 44 Stat. 772.
	5 U.S.C. 772	Sept. 7, 1916, ch. 458, § 22, 39 Stat. 747.
	5 U.S.C. 773(a)	Sept. 7, 1916, ch. 458, § 23, 39 Stat. 747.
		June 26, 1926, ch. 695, § 3, 44 Stat. 772.
		Oct. 14, 1949, ch. 691, § 208 "Sec. 23(a)", 63 Stat. 865.

In subsections (a) and (c), the words "duly qualified" in former sections 771 and 772 are omitted as unnecessary in view of the definition of "physician" in section 8101.

In subsection (c) the words "fees for examinations" in former section 773(a) are substituted for "fees or examinations" since the word "or" was erroneously used in the 1949 amendment. The words "any sum payable to the employee under section 771 of this title" in former section 773(a) are omitted as unnecessary because the same

provision appeared in former section 771, which is carried into subsection (b).

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8124

Derivation: United States Code
5 U.S.C. 786

Revised Statutes and Statutes at Large
Sept. 7, 1916, ch. 458, § 36, 39 Stat.
749.

The last sentence of former section 786 is omitted as surplusage because it is covered by section 8147.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8125

Derivation: United States Code
5 U.S.C. 773(c)

Revised Statutes and Statutes at Large
Oct. 14, 1949, ch. 691, § 208 "Sec.
23(c)", 63 Stat. 865.

The words "the district court of the United States for the District of Columbia" are omitted as included in "district court". The words "under this subchapter" are added for clarity since this section which was formerly a subsection referred to the subsection preceding it which identified the proceedings.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8126

Derivation: United States Code
5 U.S.C. 780

Revised Statutes and Statutes at Large
Sept. 7, 1916, ch. 458, § 29, 39 Stat. 748
Oct. 14, 1949, ch. 691, § 205(c)(2), 63
Stat. 864.

The words "under this subchapter" are added to preserve the original grant of power in the Act of Sept. 7, 1916.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8127

Derivation: United States Code
5 U.S.C. 773(b) (less last
sentence)

Revised Statutes and Statutes at Large
Oct. 14, 1949, ch. 691, § 208 "Sec. 23(b)
(less last sentence)", 63 Stat. 865.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8128

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 787	Sept. 7, 1916, ch. 458, § 37, 39 Stat. 749. June 5, 1924, ch. 261, § 1, 43 Stat. 389.
(b)	5 U.S.C. 793 (penultimate sentence of 5th par.)	July 28, 1945, ch. 328, § 4 (penultimate sentence), 59 Stat. 504.

In subsection (a), the words "If the original claim for compensation has been made within the time specified in section 770 of this title" are omitted as surplusage. The words "an award for or against payment of compensation" are coextensive with and, for clarity and consistency with section 8124, substituted for "the award". The second sentence of former section 787 is omitted as included in the penultimate sentence of former section 793, which is carried into subsection (b). The last sentence of former section 787 is omitted as executed.

In subsection (b), the word "official" is substituted for "officer" because of the definition of "officer" in section 2104 which excludes a member of a uniformed service.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface of the report.

SECTION 8129

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 788	Sept. 7, 1916, ch. 458, § 38, 39 Stat. 749. Oct. 14, 1949, ch. 691, § 206, 63 Stat. 864.

In subsection (a), the words "Subject to the provisions of sections 786 and 787 of this title" and "if any" are omitted as surplusage.

In subsection (c), the word "official" is substituted for "officer" as the definition of "officer" in section 2104 excludes a member of a uniformed service.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8130

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 775	Sept. 7, 1916, ch. 458, § 25, 39 Stat. 747.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8131

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)-(c)	5 U.S.C. 776	Sept. 7, 1916, ch. 458, § 26, 39 Stat. 747. Sept. 13, 1960, Pub. L. 86-767, § 207, 74 Stat. 908.
(d)	5 U.S.C. 791	Sept. 7, 1916, ch. 458, § 41, 39 Stat. 750.

In subsection (d), the first 45 words of section 41 of the Act of Sept. 7, 1916, are omitted as executed. The words "Panama Canal Company" are substituted for "Panama Railroad Company" on authority of the Act of Sept. 26, 1950, ch. 1049, § 2(a)(2), 64 Stat. 1038.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8132

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 777	Sept. 7, 1916, ch. 458, § 27, 39 Stat. 747.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8133

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 760 (less last 23 words of 1st sentence in (B); and less (H) and (L))	Sept. 7, 1916, ch. 458, § 10 (less last 15 words of 1st sentence in (B); and less (H) and (L)), 39 Stat. 744. Feb. 12, 1927, ch. 110, § 3, 44 Stat. 1087. July 28, 1945, ch. 328, §§ 2 (less last 24 words), 3, 59 Stat. 503. Oct. 14, 1949, ch. 691, § 106 (less last 23 words of 1st sentence in "(B)" of (c); and less (e)), 63 Stat. 859. Sept. 13, 1960, Pub. L. 86-767, § 102, 74 Stat. 906.

In subsection (a), the words "an injury sustained in the performance of duty" are substituted for "the injury" to clearly identify the type of injury to which the section refers.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8134

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 761	Sept. 7, 1916, ch. 458, § 11, 39 Stat. 745. Feb. 12, 1927, ch. 110, § 4, 44 Stat. 1087. July 28, 1945, ch. 328, § 2 (last 24 words), 59 Stat. 503. Oct. 14, 1949, ch. 691, § 107, 63 Stat. 860. Sept. 13, 1960, Pub. L. 86-767, § 103, 74 Stat. 906.

In subsection (a), the words "an injury sustained in the performance of duty" are substituted for "the injury" to clearly identify the type of injury to which the section refers.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8135

Derivation:	United States Code 5 U.S.C. 764	Revised Statutes and Statutes at Large Sept. 7, 1916, ch. 458, § 14, 39 Stat. 746.
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Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8136

Derivation:	United States Code 5 U.S.C. 793 (2d sentence of 4th par.)	Revised Statutes and Statutes at Large July 29, 1942, ch. 533 (2d sentence), 56 Stat. 725.
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The word "continental" is added on authority of the last sentence of the fifth paragraph of former section 793, which is carried into section 8137.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8137

Derivation:	United States Code 5 U.S.C. 793 (5th par., less penultimate sentence)	Revised Statutes and Statutes at Large July 28, 1945, ch. 328, § 4 (less penultimate sentence), 59 Stat. 503.
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The last sentence of former section 793 is omitted as it consists of a definition which is fully spelled out when the words "United States" are used as a geographical reference.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8138

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 793 (4th par., less 2d sentence)	July 29, 1942, ch. 533 (less 2d sentence), 56 Stat. 725. Sept. 13, 1960, Pub. L. 86-767, § 210, 74 Stat. 910.
(b)	5 U.S.C. 793 (2d sentence of 2d par.)	Sept. 7, 1916, ch. 458, § 42 (2d sentence of 2d par.), 39 Stat. 750. Apr. 6, 1938, ch. 79 "Sec. 42 (2d sentence of 2d par.)", 52 Stat. 201.

In subsection (a), the words "in his discretion" are omitted as unnecessary in view of the permissive nature of the authority. The word "continental" is added on authority of the last sentence of the fifth paragraph of former section 793, which is carried into section 8137.

In subsection (b), the words "Canal Zone Government" and "Panama Canal Company" are substituted for "Panama Canal" and "Panama Railroad Company", respectively, on authority of the Act of Sept. 26, 1950, ch. 1049, § 2(a), 64 Stat. 1038.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8139

Derivation: United States Code
5 U.S.C. 794 (less 1st sentence)

Revised Statutes and Statutes at Large
July 11, 1919, ch. 7, § 11 (less 1st sentence), 41 Stat. 104.

The words "Compensation awarded" are substituted for "Such compensation as the Secretary may award".

The words "Bureau of the Budget" are substituted for "Secretary of the Treasury" on authority of the Act of June 10, 1921, ch. 18, § 215, 42 Stat. 23.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8140

Derivation: United States Code
5 U.S.C. 802

Revised Statutes and Statutes at Large
Aug. 1, 1956, ch. 830, § 4, 70 Stat. 805.
Oct. 13, 1964, Pub. L. 88-647, § 302, 78 Stat. 1073.

In subsection (a), the words "Subject to the provisions of this section" are added for clarity.

In subsection (c), the last sentence of former section 802(b) are omitted as unnecessary.

In subsection (d), the words "Nothing in this section shall be construed to hinder the prompt action authorized by sections 776 and 777 of this title in any case involving the legal liability of a third party other than the United States" are omitted as unnecessary as there is nothing in the section that reasonably could be so construed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8141

Derivation: United States Code
5 U.S.C. 803 (less (d))

Revised Statutes and Statutes at Large
Aug. 3, 1956, ch. 926, § 1 "Sec. 3 (less (d))", 70 Stat. 980.

Subsection (d) of former section 803, providing for retroactive applicability, is omitted as executed (see Table II).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8142

Derivation: United States Code
22 U.S.C. 2504(d)

Revised Statutes and Statutes at Large
Sept. 22, 1961, Pub. L. 87-293, § 5(d),
75 Stat. 613.

Subsection (a) is based on sections 2504(a), 2505, and 2507(a) of title 22.

In subsection (b), the words "Subject to the provisions of this section" are added for clarity and to conform to the style of sections 8140 and 8141. The words "of the United States Government" are omitted as unnecessary in view of the definition of "employee" in section 8101(1).

In subsection (c), the words "outside the several States, territories and possessions of the United States, and the District of Columbia" are substituted for "abroad" on authority of section 2522(a), (b) of title 22. References to "the general schedule established by the Classification Act of 1949, as amended" are omitted as unnecessary.

Subsection (c)(4) is added on authority of section 2522(e) of title 22.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8143

Derivation: United States Code
(a) 42 U.S.C. 2716(c)

Revised Statutes and Statutes at Large
Aug. 20, 1964, Pub. L. 88-452, § 106(c),
78 Stat. 510.

(b) 42 U.S.C. 2943(d) (words after 6th comma, as applicable to 42 U.S.C. 2716(c)) Aug. 20, 1964, Pub. L. 88-452, § 603(d) (words after 6th comma, as applicable to § 106(c)), 78 Stat. 531.

In subsection (a)(1), reference to "the Classification Act of 1949 (5 U.S.C. 1071 et seq.)" is omitted as unnecessary. In subsection (a)(3)(B), the word "his" is substituted for "his or her" on authority of 1 U.S.C. 1.

In subsection (b), the words "in service to America" are inserted after "volunteer" for clarity.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8144

Derivation: United States Code
5 U.S.C. 1053

Revised Statutes and Statutes at Large
Aug. 4, 1947, ch. 452, § 4, 61 Stat. 727.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8145

Derivation: United States Code
5 U.S.C. 778

Revised Statutes and Statutes at Large
Sept. 7, 1916, ch. 458, § 28, 39 Stat. 748.
Oct. 14, 1949, ch. 691, § 205 (a), (c)(1),
63 Stat. 864.

[Uncodified]

1946 Reorg. Plan No. 2, § 3 (less 2d sentence), eff. July 16, 1946, 60 Stat. 1095.

[Uncodified]

1950 Reorg. Plan No. 19, § 1, eff. May 24, 1950, 64 Stat. 1271.

5 U.S.C. 781

Sept. 7, 1916, ch. 458, § 30, 39 Stat. 748.

5 U.S.C. 783 (last 9 words)

Sept. 7, 1916, ch. 458, § 32 (last 9 words), 39 Stat. 749.

The last 20 words of former section 781 are omitted as unnecessary in view of the definition of "competitive service" in section 2102 and the provisions of subchapter I of chapter 33 concerning examination and certification for and appointment in the competitive service.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8146

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 793 (1st 3 pars., less 2d sentence of 2d par.)	Sept. 7, 1916, ch. 458, § 42 (less 2d sentence of 2d par.), 39 Stat. 750. Apr. 6, 1938, ch. 79 "Sec. 42 (less 2d sentence of 2d par.)", 52 Stat. 200. Aug. 30, 1964, Pub. L. 88-508, 78 Stat. 666.

In subsection (a), the words "in which cases the words 'Secretary' and 'his' wherever they appear in sections 751-756, 757-781, 783-791, and 793 of this title shall, so far as necessary to give effect to such transfer, be read, 'Governor of the Canal Zone' or 'the general manager of The Alaska Railroad', as the case may be, and 'his' " are omitted as surplusage.

In subsection (b), the words "the Employees' Compensation Fund" are substituted for "appropriation for the work of the Secretary" in view of former section 771, which is carried into section 8123, which provides that all such expenses shall be paid from the Fund.

In subsections (b) and (c), the words "Canal Zone Government", "Panama Canal Company", and "Governor of the Canal Zone" are substituted for "Panama Canal", "Panama Railroad Company", and "Governor of the Panama Canal", respectively, on authority of the Act of Sept. 26, 1950, ch. 1049, § 2, 64 Stat. 1038.

In subsection (e), the words "of other employees to whom this subchapter applies" are substituted for "of other employees of the Federal Government" for clarity and in view of the provisions of section 8149. The words "Employees' Compensation Appeals Board" are substituted for "Appeals Board" to reflect the full title of the Board.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8147

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 785	Sept. 7, 1916, ch. 458, § 35, 39 Stat. 749. Sept. 12, 1950, ch. 946, § 301(92), 64 Stat. 844. Sept. 13, 1960, Pub. L. 86-767, § 209, 74 Stat. 909.

In subsection (b), the words "each agency and instrumentality of the United States" are substituted for "each executive department

and each agency or instrumentality of the United States or other establishment". The words "(hereinafter called 'agency'))" are omitted as unnecessary because "agency or instrumentality" is substituted for "agency" in the remainder of this subsection and in subsection (c). The words "occurring after December 1, 1960" are omitted as executed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8148

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 784(a)	Sept. 7, 1916, ch. 458, § 33, 39 Stat. 749.

The words "under this subchapter" are added for clarity.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8149

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 783 (less last 9 words)	Sept. 7, 1916, ch. 458, § 32 (less last 9 words), 39 Stat. 749.
	[Uncodified]	1946 Reorg. Plan No. 2, § 3 (2d sentence), eff. July 16, 1946, 60 Stat. 1095.
	[Uncodified]	1950 Reorg. Plan No. 19, § 2, eff. May 24, 1950, 64 Stat. 1272.

The words "administration and" are added for clarity.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

The first sentence of section 2 of 1950 Reorg. Plan No. 19 is omitted as executed. The word "employees" is coextensive with and substituted for "employees of the Federal Government or of the District of Columbia" in view of the definition of "employee" in section 8101.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8150

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 791-4(b)	Oct. 14, 1949, ch. 691, § 305 (b), 63 Stat. 868.
(b)	5 U.S.C. 803a	Aug. 3, 1956, ch. 926, § 1 "Sec. 4", 70 Stat. 981.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8171

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 150k-1(a)	June 19, 1952, ch. 444, § 2, 66 Stat. 139.
		July 18, 1958, Pub. L. 85-538, § 1
		"Sec. 2(a)", 72 Stat. 397.

In subsection (a), the word "civilian" is omitted as unnecessary as the definition of "employee" in section 2105 includes only civilians.

In subsection (d), the reference to "the United States District Court for the District of Columbia" is omitted as included in the words "district court".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8172

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 150k-1(b)	July 18, 1958, Pub. L. 85-538, § 1
		"Sec. 2(b)", 72 Stat. 397.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8173

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 150k-1(c)	July 18, 1958, Pub. L. 85-538, § 1
		"Sec. 2(c)", 72 Stat. 397.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

CHAPTER 83—RETIREMENT

SUBCHAPTER I—GENERAL PROVISIONS

Sec.

8301. Uniform retirement date.

SUBCHAPTER II—FORFEITURE OF ANNUITIES AND
RETIRED PAY

Sec.

8311. Definitions.

8312. Conviction of certain offenses.

8313. Absence from the United States to avoid prosecution.

8314. Refusal to testify.

8315. Falsifying employment applications.

8316. Refund of contributions and deposits.

8317. Repayment of annuity or retired pay properly paid; waiver.

8318. Restoration of annuity or retired pay.

8319. Removal of members of the uniformed services from rolls; restoration, reappointment.

8320. Offense or violation committed in compliance with orders.

8321. Liability of accountable employees.

8322. Effect on other statutes.

SUBCHAPTER III—CIVIL SERVICE RETIREMENT

Sec.

- 8331. Definitions.
- 8332. Creditable service.
- 8333. Eligibility for annuity.
- 8334. Deductions, contributions, and deposits.
- 8335. Mandatory separation.
- 8336. Immediate retirement.
- 8337. Disability retirement.
- 8338. Deferred retirement.
- 8339. Computation of annuity.
- 8340. Cost-of-living adjustment of annuities.
- 8341. Survivor annuities.
- 8342. Lump-sum benefits; designation of beneficiary; order of precedence.
- 8343. Additional annuities; voluntary contributions.
- 8344. Annuities and pay on reemployment.
- 8345. Payment of benefits; commencement, termination, and waiver of annuity.
- 8346. Exemption from legal process; recovery of payments.
- 8347. Administration; regulations.
- 8348. Civil Service Retirement and Disability Fund.

SECTION 8301

Derivation: United States Code
5 U.S.C. 47a

Revised Statutes and Statutes at Large
Apr. 23, 1930, ch. 209, § 1, 46 Stat. 253.

In subsection (a), the words "Except as otherwise specifically provided by this title or other statute" are added because of the statutes carried into subchapter III of chapter 83. The words "of Federal personnel of whatever class, civil, military, naval, judicial, legislative, or otherwise, and for whatever cause retired" are omitted as unnecessary. The words "and said first day of the month for retirements made after July 1, 1930, shall be for all purposes in lieu of such date for retirement as was on April 23, 1930, authorized" are omitted as executed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8311

Derivation: United States Code
5 U.S.C. 2281

Revised Statutes and Statutes at Large
Sept. 26, 1961, Pub. L. 87-299, § 1
"Sec. 10", 75 Stat. 646.

The words "and section 3282 of Title 18" are omitted as unnecessary.

In paragraph (1)(A), the words "an employee as defined by section 2105 of this title" are coextensive with and substituted for "an officer or employee in or under the legislative, executive, or judicial branch of the Government of the United States".

In paragraph (1)(B), the reference to "Resident Commissioner" is omitted as included in "Member of Congress" in view of the definition of "Member of Congress" in section 2106.

In paragraph (1)(C), the words "uniformed service" are coextensive with and substituted for "armed forces, the Coast and Geodetic Survey, or the Public Health Service" in view of the definition of "uniformed services" in section 2101.

In paragraph (3), the words "uniformed service" are coextensive with and substituted for "armed forces, the Coast and Geodetic Survey, and the Public Health Service" in view of the definition of "uniformed services" in section 2101.

The definition of "armed forces" in former section 2281(4) is omitted as unnecessary in view of the definition of "armed forces" in section 2101.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8312

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2282	Sept. 26, 1961, Pub. L. 87-299, § 1
		"Sec. 1", 75 Stat. 640.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8313

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2283a	Sept. 26, 1961, Pub. L. 87-299, § 1
		"Sec. 3", 75 Stat. 643.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8314

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2283(a)	Sept. 26, 1961, Pub. L. 87-299, § 1
		"Sec. 2(a)", 75 Stat. 642.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8315

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2283 (b), (c)	Sept. 26, 1961, Pub. L. 87-299, § 1
		"Sec. 2 (b), (c)", 75 Stat. 642.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8316

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2284 (a), (b)	Sept. 26, 1961, Pub. L. 87-299, § 1
		"Sec. 4 (a), (b)", 75 Stat. 644.
	5 U.S.C. 2284a(b)	Sept. 26, 1961, Pub. L. 87-299, § 1
		"Sec. 5(b)", 75 Stat. 645.

The section is reorganized for clarity and conciseness.

The words "and section 3282 of Title 18" in former section 2284(a) are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8317

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 2284 (c), (d)	Sept. 26, 1961, Pub. L. 87-299, § 1
		"Sec. 4 (c), (d)", 75 Stat. 644.
(b)	5 U.S.C. 2284a(a)	Sept. 26, 1961, Pub. L. 87-299, § 1
		"Sec. 5(a)", 75 Stat. 645.

The words "and section 3282 of Title 18" are omitted as unnecessary. Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8318

Derivation:	United States Code 5 U.S.C. 2285(a), (b)	Revised Statutes and Statutes at Large Sept. 26, 1961, Pub. L. 87-299, § 1 "Sec. 6 (a), (b)", 75 Stat. 645.
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The section is reorganized for clarity and conciseness.

The words "and section 3282 of Title 18" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8319

Derivation:	United States Code 5 U.S.C. 2287	Revised Statutes and Statutes at Large Sept. 26, 1961, Pub. L. 87-299, § 1 "Sec. 8", 75 Stat. 646.
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The words "and section 3282 of Title 18" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8320

Derivation:	United States Code 5 U.S.C. 2285(c)	Revised Statutes and Statutes at Large Sept. 26, 1961, Pub. L. 87-299, § 1 "Sec. 6(c)", 75 Stat. 645.
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The reference to conviction of an offense which constitutes a violation of former section 2283 (which is carried into this title as sections 8314 and 8315) is omitted as being covered by the words "violated section 8314 or 8315 of this title" which are added on authority of the words "conviction or violation" in former section 2285(c).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8321

Derivation:	United States Code 5 U.S.C. 2286	Revised Statutes and Statutes at Large Sept. 26, 1961, Pub. L. 87-299, § 1 "Sec. 7", 75 Stat. 645.
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The words "and section 3282 of Title 18" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8322

Derivation:	United States Code 5 U.S.C. 2288	Revised Statutes and Statutes at Large Sept. 26, 1961, Pub. L. 87-299, § 1 "Sec. 9", 75 Stat. 646.
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The words "and section 3282 of Title 18" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8331

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2251 (less (h)-(j))	July 31, 1956, ch. 804, § 401 "Sec. 1 (less (h)-(j))", 70 Stat. 743. Apr. 8, 1960, Pub. L. 86-415, § 6(c), 74 Stat. 35. July 7, 1960, Pub. L. 86-604 § 1(a), 74 Stat. 358. Sept. 14, 1961, Pub. L. 87-233, § 2, 75 Stat. 507. Oct. 11, 1962, Pub. L. 87-793, § 1102(a), 76 Stat. 869. Feb. 7, 1964, Pub. L. 88-267, § 1(a), 78 Stat. 8.
	5 U.S.C. 2252 (less (e), (f) (words after semicolon), (g) (2d sentence), (h) (words after colon))	July 31, 1956, ch. 804, § 401 "Sec. 2 (less (e), (f) (words after semicolon), (g) (2d sentence))", 70 Stat. 745. July 1, 1960, Pub. L. 86-568, § 115(b)(1) "(h) (less words after colon)", 74 Stat. 302. Feb. 7, 1964, Pub. L. 88-267, § 1 (b), (c), 78 Stat. 9.
	5 U.S.C. 1054 (1st 27 words) [Uncodified]	Aug. 4, 1947, ch. 452, § 5 (1st 27 words), 61 Stat. 728. Aug. 25, 1958, Pub. L. 85-745, § 1(b) (last sentence, as applicable to the Civil Service Retirement Act), 72 Stat. 838.
	5 U.S.C. 2358(c) (as applicable to the Civil Service Retirement Act)	July 17, 1959, Pub. L. 86-91, § 10(c) (as applicable to the Civil Service Retirement Act), 73 Stat. 217.
	5 U.S.C. 932c(d)	June 28, 1955, ch. 189, § 4(i), 69 Stat. 178.
	5 U.S.C. 932d(d)	June 20, 1958, Pub. L. 85-462, § 4(g), 72 Stat. 208.
	5 U.S.C. 932e(f)	July 1, 1960, Pub. L. 86-568, § 117(i), 74 Stat. 304.
	5 U.S.C. 932f(e)	Oct. 11, 1962, Pub. L. 87-793, § 1005(h), 76 Stat. 867.
	5 U.S.C. 932g(d)	Aug. 14, 1964, Pub. L. 88-426, § 202(d), 78 Stat. 413.
	5 U.S.C. 1182(b)	Sept. 2, 1958, Pub. L. 85-872, § 2(b), 72 Stat. 1696.
	5 U.S.C. 2132 (as applicable to the Civil Service Retirement Act, as amended)	Sept. 1, 1954, ch. 1208, § 403 (as applicable to the Civil Service Retirement Act, as amended), 68 Stat. 1115.

In paragraph (1), the specific exception of the President, appearing in former section 2252(b), is omitted as unnecessary because he is not included in the definition of "employee".

In paragraph (1)(B), the definition of "Congressional employee" in former section 2251(c) is omitted as unnecessary in view of the definition of the term in section 2107.

In paragraph (1)(E), the words "Notwithstanding any other provision of law or any Executive order" are omitted as unnecessary.

In paragraph (1)(i), the words "justice or" are added on authority of sections 371 and 372 of title 28.

Paragraph (1)(iii) and (iv) is based on former section 2252(e), which is carried into section 8347(g) and (h).

Paragraph (1)(vii) and (viii) is based on former section 2252(f), which is carried in part into section 8347(i) and (j).

In paragraph (1), the last sentence is added on authority of former section 2351, which is scheduled for transfer to section 901 of title 20.

In paragraph (3), the words "or lump-sum leave payments under subchapter VI of chapter 55 of this title" are added on authority of former section 61b (6th sentence), which is carried into section 5551.

In paragraph (4)(B), references to sections 60e-7, 60e-8, 60e-9, 60e-10, and 60e-11 of title 2 are substituted for the words "this section", appearing in former sections 932c(d), 932d(d), 932e(f), 932f(e), and 932g(d), to reflect the scheduled transfer of those sections to title 2.

In paragraph (5), the words "the Civil Service Retirement and Disability Fund" are substituted for "the civil service retirement and disability fund created by the Act of May 22, 1920".

In paragraph (7), the words "Government of the United States" are coextensive with and substituted for "the executive, judicial, and legislative branches of the United States Government, including Government-owned or controlled corporations".

In paragraph (13), the words "armed forces" are coextensive with and substituted for "Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States" in view of the definition of "armed forces" in section 2101.

The definition of "Commission" in former section 2251(m) is omitted as unnecessary as the title "Civil Service Commission" is fully set out the first time it is used in each section.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8332

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2253 (less (f) and (g))	July 31, 1956, ch. 804, § 401 "Sec. 3 (less (f) and (g))", 70 Stat. 745. Aug. 1, 1956, ch. 837, § 409, 70 Stat. 877. June 17, 1957, Pub. L. 85-56, § 2201(2), 71 Stat. 157. Sept. 2, 1958, Pub. L. 85-857, § 13(c), 72 Stat. 1264. Sept. 21, 1959, Pub. L. 86-306, § 1, 73 Stat. 583. Sept. 22, 1961, Pub. L. 87-293, § 21, 75 Stat. 623.
	5 U.S.C. 2252(g) (2d sentence)	July 31, 1956, ch. 804, § 401 "Sec. 2(g) (2d sentence)", 70 Stat. 745.
	5 U.S.C. 2252(h) (2), (3)	July 1, 1960, Pub. L. 86-568, § 115(b) (1) "(h)(2), (3)", 74 Stat. 302. Oct. 4, 1961, Pub. L. 87-350, § 2(a), 75 Stat. 770.
	5 U.S.C. 1054 (less 1st 27 words)	Aug. 4, 1947, ch. 452, § 5 (less 1st 27 words), 61 Stat. 728.
	22 U.S.C. 2504(f) (as applicable to the Civil Service Retirement Act, as amended)	Sept. 22, 1961, Pub. L. 87-293, § 5(f) (as applicable to the Civil Service Retirement Act, as amended), 75 Stat. 614. Dec. 13, 1963, Pub. L. 88-200, § 2(c) (as applicable to the Civil Service Retirement Act, as amended), 77 Stat. 359.

The section is reorganized for clarity.

Subsection (b)(B) is added on authority of section 2522(e) of title 22.

In subsection (c)(1)(B), the words "as that term is defined by section 301 of title 38" are coextensive with and substituted for "as that term is used in chapter 11 of Title 38".

In subsection (c)(2), the words "under chapter 67 of title 10" are substituted for "title III of Public Law 810, Eightieth Congress" on authority of the Act of Aug. 10, 1956, ch. 1041, § 49(b), 70A Stat. 640.

In subsection (f), the words "without pay" are added after "leaves of absence" in the first sentence for clarity and to align it with the use of the term in the second sentence. The words "postal field service" are coextensive with and substituted for "postal service".

In subsection (g), the words "has left" are omitted as executed.

In subsection (i), the words "but nothing contained in this chapter [chapter 30 of title 5] shall affect, otherwise than for the purposes of this chapter, the basis, under applicable law other than this chapter, on which such United States Commissioner is employed or on which his compensation is determined and paid" are omitted from the last sentence as surplusage as there is nothing in the chapter that can reasonably be construed to affect that basis other than for the purposes of the chapter.

In subsection (j), the words "or section 2504(f) of Title 22" are omitted as unnecessary since the provisions of that section applicable to this subchapter are carried into subsection (b). The last sentence is added on authority of section 2522(e) of title 22.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8333

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a), (b)	5 U.S.C. 2253(f), (g)	July 31, 1956, ch. 804, § 401 "Sec. 3 (f), (g)", 70 Stat. 746.
(c)	5 U.S.C. 2256(f) (last sentence)	July 31, 1956, ch. 804, § 401 "Sec. 6(f) (last sentence)", 70 Stat. 750. Aug. 27, 1958, Pub. L. 85-772, § 1(a), 72 Stat. 930.

In subsection (c), the words "eligible for" are substituted for "entitled to".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8334

Derivation:	United States Code	Revised Statutes and Statutes at Large
	2 U.S.C. 129	July 1, 1957, Pub. L. 85-75, § 101 (proviso on p. 248), 71 Stat. 248.
	5 U.S.C. 2254	July 31, 1956, ch. 804, § 401 "Sec. 4", 70 Stat. 747. June 29, 1957, Pub. L. 85-65, § 1, 71 Stat. 209. May 27, 1958, Pub. L. 85-426, § 214(b) (words before comma), 72 Stat. 143. Aug. 27, 1958, Pub. L. 85-772, § 1(d), 72 Stat. 930.

In subsection (a), the words "From and after the first day of the first pay period which begins on or after the effective date of the Civil Service Retirement Act Amendments of 1956" and "From and after the first day of the first pay period which begins after June 30, 1957" in former section 2254 are omitted as executed. The words "on and after July 1, 1957" in former section 129 of title 2 are omitted as executed.

In subsection (b), the word "rule" is omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8335

Derivation: United States Code
5 U.S.C. 2255

Revised Statutes and Statutes at Large
July 31, 1956, ch. 804, § 401 "Sec. 5",
70 Stat. 748.
Feb. 7, 1964, Pub. L. 88-267, § 1 (less
(a)-(c)), 78 Stat. 9.

Standard changes are made to conform with the definitions applicable and the style of this title as outlines in the preface to the report.

SECTION 8336

Derivation: United States Code
5 U.S.C. 2256 (less last
sentence in (f))

Revised Statutes and Statutes at Large
July 31, 1956, ch. 804, § 401 "Sec. 6
(less last sentence in (f))", 70 Stat.
749.
July 7, 1960, Pub. L. 86-604, § 1(b),
74 Stat. 358.
July 12, 1960, Pub. L. 86-622, § 3(b),
74 Stat. 410.

Standard changes are made to conform with the definitions applicable and the style of this title as outlines in the preface to the report.

SECTION 8337

Derivation: United States Code
5 U.S.C. 2257

Revised Statutes and Statutes at Large
July 31, 1956, ch. 804, § 401 "Sec. 7",
70 Stat. 750.
Oct. 4, 1961, Pub. L. 87-350, § 4(a),
75 Stat. 771.

In subsection (c), the words "receiving disability retirement annuity from the Fund" are coextensive with and substituted for "retired under this section or under section 6 of the Act of May 29, 1930, as amended".

In subsection (g), the words "Notwithstanding any provision of law to the contrary" are omitted as unnecessary. The words "Employees' Compensation Fund" are substituted for "Federal Employees' Compensation Fund" to conform to the title of that Fund as set forth in section 8147.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8338

Derivation: United States Code
5 U.S.C. 2258

Revised Statutes and Statutes at Large
July 31, 1956, ch. 804, § 401 "Sec. 8",
70 Stat. 751.
July 7, 1960, Pub. L. 86-604, § 1(c),
74 Stat. 358.
July 12, 1960, Pub. L. 86-622, § 2(a),
74 Stat. 410.

In subsection (b), the words "after December 31, 1955" are substituted for "on or after January 1, 1956". The word "hereafter" is omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8339

Derivation: United States Code
5 U.S.C. 2259

Revised Statutes and Statutes at Large
July 31, 1956, ch. 804, § 401 "Sec. 9",
70 Stat. 752.
July 7, 1960, Pub. L. 86-604, § 1(d),
(e), 74 Stat. 358.
July 12, 1960, Pub. L. 86-622, § 2(b),
74 Stat. 410.
Oct. 4, 1961, Pub. L. 87-350, § 6, 75
Stat. 772.
Oct. 11, 1962, Pub. L. 87-793, § 1103
(a), 76 Stat. 870.

The section is reorganized to eliminate repetition.

In subsection (f)(2), the words "service of the type last performed" are substituted for "total service" in former section 2259(a), "service as a Congressional employee" in former section 2259(b), and "Member service" in former section 2259(c).

In subsection (i), the words "by the employee or Member at the time of retirement" are added on authority of former section 2260 (a)(1), which is carried into section 8341(b).

In subsection (j), the words "an annuity computed as provided in section 2259 of this title" and "an annuity so computed" are omitted as unnecessary as former sections 2256 and 2258, which are carried into this title as sections 8336 and 8338, respectively, expressly require that the annuities authorized thereby must be computed under former section 2259, which is carried into this section.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8340

Derivation: United States Code
5 U.S.C. 2268

Revised Statutes and Statutes at Large
July 31, 1956, ch. 804, § 401 "Sec. 18";
added Oct. 11, 1962, Pub. L. 87-793,
§ 1102(b) (less so much as redesignated § 18 as 19), 76 Stat. 869.

In subsection (a), the words "After January 1, 1964" and "other than 1964", and subsection (a)(1) of former section 2268, are omitted as executed.

In subsection (b), the words "subsection (a) of this section" are substituted for "subsection (a)(1) or (a)(2) of this section" since subsection (a)(1) has been omitted as executed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8341

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 2251(h)-(j)	July 31, 1956, ch. 804, § 401 "Sec. 1(h)-(j)", 70 Stat. 744. Oct. 11, 1962, Pub. L. 87-793, § 1103 (f)(A), 76 Stat. 871.
(b)-(f)	5 U.S.C. 2260	July 31, 1956, ch. 804, § 401 "Sec. 10", 70 Stat. 754. Aug. 27, 1958, Pub. L. 85-772, § 1(b), (c), 72 Stat. 930. Sept. 6, 1960, Pub. L. 86-713, § 1(a), 74 Stat. 813. Oct. 11, 1962, Pub. L. 87-793, § 1103 (less (a) and (f)(A)), 76 Stat. 870, 871.

In subsection (b), the words "designated for this purpose under section 8339(i) of this title" are substituted for "designated in writing for such purpose by the employee or Member at the time of retirement" in view of the provisions of section 8339(i).

In subsection (f), the words "heretofore or hereafter" are substituted for "either prior to, on, or after the effective date of the Civil Service Retirement Act Amendments of 1956".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8342

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2261	July 31, 1956, ch. 804, § 401 "Sec. 11", 70 Stat. 755. July 12, 1960, Pub. L. 86-622, § 1(a), 74 Stat. 409. Oct. 4, 1961, Pub. L. 87-350, § 3, 75 Stat. 771.

In subsection (a), the words "before October 1, 1956" are substituted for "prior to the effective date of the Civil Service Retirement Act Amendments of 1956" on authority of § 406 of the Act of July 31, 1956, ch. 804, 70 Stat. 761.

In subsection (g), the words "the expiration of" are omitted as surplusage.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8343

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2262	July 31, 1956, ch. 804, § 401 "Sec. 12", 70 Stat. 756. Aug. 14, 1958, Pub. L. 85-661, § 1, 72 Stat. 614.

In subsection (a), the words "after July 31, 1920" are substituted for "on or after August 1, 1920". In paragraph (1), the words "payment under subsection (d) of this section" are based on "but such account shall not in any case include interest beyond date of pay-

ment" in former section 2262(d); the latter, accordingly, are omitted from subsection (d).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8344

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2263 (less (a))	July 31, 1956, ch. 804, § 401 "Sec. 13 (less (a))", 70 Stat. 757.
		July 7, 1960, Pub. L. 86-604, § 1(f), 74 Stat. 358.
		July 12, 1960, Pub. L. 86-622, § 3(a), 74 Stat. 410.
		Oct. 4, 1961, Pub. L. 87-350, § 5, 75 Stat. 771.

In subsections (a) and (b), the words "except for lump-sum leave payment purposes under section 61b of this title" are omitted as unnecessary as section 5551(a) provides that a "lump-sum leave payment is considered pay for taxation purposes only".

In subsection (a), the words "after September 30, 1956" are substituted for "hereafter" on authority of § 406 of the Act of July 31, 1956, ch. 804, 70 Stat. 761. In paragraph (2), the words "other than an automatic separation" are substituted for "excluding a separation under the automatic separation provisions of this chapter". In the third sentence, the words "and this provision concerning the lump-sum leave payments shall also be effective in the case of each retired employee separated from reemployment after December 15, 1953, and before the effective date of the Civil Service Retirement Act Amendments of 1956" are omitted as executed, and any existing rights are preserved by technical section 8. In the fourth sentence, the words "except as President" are added to preserve the exception stated in former section 2252(b). In the penultimate sentence, the words "after October 3, 1961" are substituted for "on or after October 4, 1961". In the last sentence, the words "in any manner" are omitted as unnecessary.

In subsection (b), the words "receiving annuity from the Fund" are substituted for "heretofore or hereafter retired under this chapter". The word "hereafter" is omitted as unnecessary. In paragraph (1)(B), the words "the day after" are substituted for "the first day of the month following" on authority of former section 2264(b), which is carried into section 8345(b). In paragraph (1), former clause (C) is omitted as obsolete. In paragraph (2)(D), the words "of the United States" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8345

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2264	July 31, 1956, ch. 804, § 401 "Sec. 14", 70 Stat. 757.
		Sept. 6, 1960, Pub. L. 86-713, § 1(b), 74 Stat. 814.

In subsection (b), the second sentence of former section 2264(b) is omitted as included in the second sentence of the revised subsection.

The words "after September 5, 1960" are substituted for "on or after September 6, 1960".

In subsection (c), the first sentence of former section 2264(c) is omitted as covered by the remainder of the subsection. The words "on or after September 6, 1960" are omitted as obsolete.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8346

Derivation: United States Code
5 U.S.C. 2265

Revised Statutes and Statutes at Large
July 31, 1956, ch. 804, § 401 "Sec. 15",
70 Stat. 758.

In subsection (b), the words "Notwithstanding any other provision of law" are omitted as unnecessary. The second word of the second sentence "or" is substituted for "of" to correct a printing error.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8347

Derivation: United States Code

(a)-(f) 5 U.S.C. 2266 (less (f))

Revised Statutes and Statutes at Large

July 31, 1956, ch. 804, § 401 "Sec. 16
(less (f))", 70 Stat. 758.

(g)-(k) 5 U.S.C. 2252 (e), (f) (words
after semicolon), (h)(1)

July 31, 1956, ch. 804, § 401 "Sec. 2(e),
(f) (words after semicolon)", 70 Stat.
745.

July 1, 1960, Pub. L. 86-568, § 115(b)
(1) "(h)(1)", 74 Stat. 302.

In subsection (a), the words "to carry out this subchapter" are substituted for "for the purpose of carrying the provisions of this chapter into full force and effect".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8348

Derivation: United States Code
(a)-(f) 5 U.S.C. 2267

Revised Statutes and Statutes at Large

July 31, 1956, ch. 804, § 401 "Sec. 17",
70 Stat. 759.

Oct. 4, 1961, Pub. L. 87-350, § 1(a), 75
Stat. 770.

(g) [Uncodified]

Aug. 28, 1958, Pub. L. 85-844, § 101
(par. under "Civil Service Retirement
and Disability Fund"), 72 Stat.
1064.

In subsection (a), the first sentence is based on former section 2251(f), which is carried into section 8331.

In subsection (f), the words "to carry out this subchapter" are substituted for "to continue this chapter in full force and effect".

In subsection (g), the words "after the enactment of this Act" are omitted as executed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

CHAPTER 85—UNEMPLOYMENT COMPENSATION**SUBCHAPTER I—EMPLOYEES GENERALLY**

Sec.

- 8501. Definitions.
- 8502. Compensation under State agreement.
- 8503. Compensation absent State agreement.
- 8504. Assignment of Federal service and wages.
- 8505. Payments to States.
- 8506. Dissemination of information.
- 8507. False statements and misrepresentations.
- 8508. Regulations.

SUBCHAPTER II—EX-SERVICEMEN

Sec.

- 8521. Definitions; application.
- 8522. Assignment of Federal service and wages.
- 8523. Dissemination of information.
- 8524. Accrued leave.
- 8525. Effect on other statutes.

SECTION 8501

Derivation: United States Code
42 U.S.C. 1361

Revised Statutes and Statutes at Large

Sept. 1, 1954, ch. 1212, § 4(a) "Sec. 1501", 68 Stat. 1130.
 Aug. 28, 1958, Pub. L. 85-848, § 2, 72 Stat. 1087.
 July 12, 1960, Pub. L. 86-624, § 30(g), 74 Stat. 420.
 Sept. 13, 1960, Pub. L. 86-778, §§ 531(e), 542(d), 74 Stat. 984, 986.
 Sept. 13, 1960, Pub. L. 86-778, § 531(g) (as applicable to section 1501(a) of the Social Security Act), 74 Stat. 984.

[Uncodified]

Clause (4) of former section 1361(a) is omitted as obsolete.

In paragraph (1), the words "a Federal land bank, a Federal intermediate credit bank, and a bank for cooperatives" are added for clarity [notwithstanding their status as instrumentalities of the United States] in view of the provisions of the Acts of Aug. 18, 1959, Pub. L. 86-168, § 203(b), 73 Stat. 390, and Sept. 13, 1960, Pub. L. 86-778, § 531(g), 74 Stat. 984.

In paragraph (1)(A), the word "official" is substituted for "officer" because of the definition of "officer" in section 2104. The words "of the Government of the United States" are omitted as unnecessary.

In paragraph (1)(E), the words "by regulations of the Civil Service Commission from the operation of subchapter III of chapter 83 of this title" are substituted for "by Executive order from the operation of the Civil Service Retirement Act of 1930" on authority of the Civil Service Retirement Act Amendments of 1956, which are carried into subchapter III of chapter 83.

In paragraph (1)(K), the words "Agricultural Stabilization and Conservation Service" are substituted for "Production and Marketing Administration" on authority of Secretary's memorandum 1320, supp. 4 of November 2, 1953.

In paragraph (1)(L), the words "section 1606(g) of Title 26, Internal Revenue Code of 1939" in former section 1361(a)(13) are omitted as obsolete.

The last sentence of former section 1361 is omitted as its substance is included in paragraph (1)(D).

Former section 1361(f) is omitted as unnecessary as the full title of the Secretary of Labor is set out the first time it is used in each section.

Paragraph (6) is added on authority of section 1101(a)(1) of the Act of Aug. 14, 1935, ch. 531, 49 Stat. 647, as amended; 42 U.S.C. 1301(a)(1).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8502

Derivation: United States Code
42 U.S.C. 1362

Revised Statutes and Statutes at Large
Sept. 1, 1954, ch. 1212, § 4(a) "Sec. 1502", 68 Stat. 1131.
Sept. 13, 1960, Pub. L. 86-778, § 542(b)(1)(A), 74 Stat. 985.

In subsection (a), the words "under this subchapter" are substituted for "on the basis provided in subsection (b) of this section".

In subsection (b), the words "with respect to unemployment after December 31, 1954" are omitted as obsolete.

In subsection (c), the words "with respect to unemployment after December 31, 1960" are omitted as obsolete. In the last sentence, the application to section 8503(b) is omitted and carried into that section.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8503

Derivation: United States Code
42 U.S.C. 1363

[Uncodified]

Revised Statutes and Statutes at Large
Sept. 1, 1954, ch. 1212, § 4(a) "Sec. 1503", 68 Stat. 1132.
Sept. 13, 1960, Pub. L. 86-778, § 542(b)(1)(B), (C), (c)(1), 74 Stat. 986.
Sept. 13, 1960, Pub. L. 86-778, § 542(a)(1), 74 Stat. 985.

In subsections (a) and (b), the words "with respect to unemployment after December 31, 1954" are omitted as obsolete.

In subsection (b), the last sentence is added on authority of the last sentence of former section 1362(b), which section is carried into section 8502.

In subsection (c), the words "with respect to final decisions of the Secretary of Health, Education, and Welfare under subchapter II of this chapter" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8504

Derivation: United States Code
42 U.S.C. 1364

Revised Statutes and Statutes at Large
Sept. 1, 1954, ch. 1212, § 4(a) "Sec.
1504", 68 Stat. 1133.
Sept. 13, 1960, Pub. L. 86-778, § 542(b)
(2), 74 Stat. 986.
Sept. 13, 1960, Pub. L. 86-778, § 542(a)
(2), 74 Stat. 985.

[Uncodified]

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8505

Derivation: United States Code
42 U.S.C. 1366

Revised Statutes and Statutes at Large
Sept. 1, 1954, ch. 1212, § 4(a) "Sec.
1506", 68 Stat. 1133.

In subsections (f) and (g), the word "official" is substituted for "officer" because of the definition of "officer" in section 2104.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8506

Derivation: United States Code
42 U.S.C. 1367

Revised Statutes and Statutes at Large
Sept. 1, 1954, ch. 1212, § 4(a) "Sec.
1507", 68 Stat. 1134.
Aug. 28, 1958, Pub. L. 85-848, § 4,
72 Stat. 1089.
Sept. 13, 1960, Pub. L. 86-778, § 531(f),
74 Stat. 984.
Sept. 13, 1960, Pub. L. 86-778, § 531(g)
(as applicable to section 1507(a) of
the Social Security Act), 74 Stat. 984.

[Uncodified]

In subsection (a), the words "Federal land bank, Federal intermediate credit bank, and bank for cooperatives" are added for clarity [notwithstanding their status as instrumentalities of the United States] in view of the provisions of the Acts of Aug. 18, 1959, Pub. L. 86-168, § 203(b), 73 Stat. 390, and Sept. 13, 1960, Pub. L. 86-778 § 531(g), 74 Stat. 984.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8507

Derivation: United States Code
42 U.S.C. 1368(b)

Revised Statutes and Statutes at Large
Sept. 1, 1954, ch. 1212, § 4(a) "Sec.
1508(b)", 68 Stat. 1135.

In subsection (a), the words "as the case may be", "be liable to", and "of any amount" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8508

Derivation: United States Code
42 U.S.C. 1369

Revised Statutes and Statutes at Large
Sept. 1, 1954, ch. 1212, § 4(a) "Sec.
1509", 68 Stat. 1135.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8521

Derivation:	United States Code 42 U.S.C. 1371(a)-(c)	Revised Statutes and Statutes at Large Aug. 28, 1958, Pub. L. 85-848, § 3 "Sec. 1511(a)-(c)", 72 Stat. 1088.
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In subsection (a)(1), the words "armed forces" are coextensive with and substituted for "Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States" in view of the definition of "armed forces" in section 2101. The words "after October 27, 1958" are substituted for "after the sixtieth day after August 28, 1958".

In subsection (b), the words "with respect to weeks of unemployment ending after the sixtieth day after August 28, 1958" are omitted as obsolete because the law is here stated with prospective effect.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8522

Derivation:	United States Code 42 U.S.C. 1371(e)	Revised Statutes and Statutes at Large Aug. 28, 1958, Pub. L. 85-848, § 3 "Sec. 1511(e)", 72 Stat. 1088. Sept. 13, 1960, Pub. L. 86-778, § 542(c)(2), 74 Stat. 986.
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Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8523

Derivation:	United States Code 42 U.S.C. 1371(d)	Revised Statutes and Statutes at Large Aug. 28, 1958, Pub. L. 85-848, § 3 "Sec. 1511(d)", 72 Stat. 1088.
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Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8524

Derivation:	United States Code 42 U.S.C. 1371(f)	Revised Statutes and Statutes at Large Aug. 28, 1958, Pub. L. 85-848, § 3 "Sec. 1511(f)", 72 Stat. 1089. Apr. 22, 1960, Pub. L. 86-442, § 2, 74 Stat. 82.
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The section is revised to eliminate reference to the applicability of former section 1365 which former section 1371(f) provided continued to apply "(without regard to its repeal)". The applicable substance of former section 1365 is included in this section to preserve the effect of former section 1371(f). The words "section 501(b) of title 37" are substituted for "section 33(c) of title 37" on authority of section 12(b) of the Act of Sept. 7, 1962, Pub. L. 87-649, 76 Stat. 497.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8525

Derivation:	United States Code	Revised Statutes and Statutes at Large
	42 U.S.C. 1371(g)-(i)	Aug. 28, 1958, Pub. L. 85-848, § 3 "Sec. 1511(g)-(i)", 72 Stat. 1089. Sept. 2, 1958, Pub. L. 85-857, § 13(i) (3), 72 Stat. 1265.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

CHAPTER 87—LIFE INSURANCE

Sec.	
8701.	Definition.
8702.	Automatic coverage.
8703.	Benefit certificate.
8704.	Group insurance; amounts.
8705.	Death claims; order of precedence; escheat.
8706.	Termination of insurance.
8707.	Employee deductions; withholding.
8708.	Government contributions.
8709.	Insurance policies.
8710.	Reinsurance.
8711.	Basic tables of premium rates.
8712.	Annual accounting; special contingency reserve.
8713.	Advisors.
8714.	Employees' Life Insurance Fund.
8715.	Jurisdiction of courts.
8716.	Regulations.

SECTION 8701

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	2 U.S.C. 126	Sept. 1, 1954, ch. 1208, § 603, 68 Stat. 1116. Aug. 17, 1954, ch. 752, § 2(a) (1st sentence, less words between 6th and 7th commas), (b), 68 Stat. 736. Aug. 1, 1956, ch. 837, § 501(c)(1) (as applicable to § 2(b)), 70 Stat. 882. Aug. 2, 1956, ch. 901, § 1, 70 Stat. 955. July 1, 1960, Pub. L. 86-568, § 115(c) "(d) (1st sentence, less words between 1st and 2d commas)", 74 Stat. 302. Aug. 31, 1964, Pub. L. 88-531, § 2, 78 Stat. 737.
	5 U.S.C. 2091(a) (1st sentence, less words between 6th and 7th commas), (b), (d) (1st sentence, less words between 1st and 2d commas)	Aug. 25, 1958, Pub. L. 85-745, § 1(b) (last sentence, as applicable to the Federal Employees' Group Life Insurance Act of 1954), 72 Stat. 838. July 17, 1959, Pub. L. 86-91, § 10(c) (less applicability to the Civil Service Retirement Act), 73 Stat. 217.
	[Uncodified]	
(b)	5 U.S.C. 2358(c) (less applicability to the Civil Service Retirement Act)	

The definition of "Congressional employee" in section 2107 of this title includes an Official Reporter of Debates of the Senate and an individual employed by an Official Reporter of Debates of the Senate so that the inclusion of "a Congressional employee" in subsection (a)(3) provides the coverage for those individuals which was given by former section 126 of title 2.

The definition of "employee" in section 2105 of this title is broad enough to cover the officers and employees set out in former section 2091(a) with the exception of Members of Congress, the President, individuals employed either by the government of the District of

Columbia or by Gallaudet College, and United States commissioners. Accordingly, these have been added specifically in paragraphs (2), (4), (5), (6), and (7).

In subsection (a)(B), the words "United States" are substituted for "a State of the United States or the District of Columbia".

Subsection (a)(C) is added for clarity.

In subsection (b), the last sentence is added on authority of former section 2351, which section is scheduled for transfer to section 901 of title 20.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8702

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2094(a) (less 1st par.)	Aug. 17, 1954, ch. 752, § 5(a) (less 1st par.), 68 Stat. 738.

In subsection (a), the words "eligible for insurance" are coextensive with and substituted for "eligible under the terms of this chapter".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8703

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2098	Aug. 17, 1954, ch. 752, § 9, 68 Stat. 742.

The words "each insured employee" are coextensive with and substituted for "each employee insured under such policy".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8704

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)-(c)	5 U.S.C. 2092 (less (d))	Aug. 17, 1954, ch. 752, § 3 (less (d)), 68 Stat. 737.
(d)(1)	[Uncodified]	Aug. 23, 1958, Pub. L. 85-737, § 3, 72 Stat. 831.
(d)(2)	5 U.S.C. 1183	Sept. 2, 1958, Pub. L. 85-872, § 3, 72 Stat. 1697.

In subsection (a), the words "An employee eligible for insurance is entitled" are coextensive with and substituted for "Each employee to whom this chapter applies shall be eligible".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8705

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2093	Aug. 17, 1954, ch. 752, § 4, 68 Stat. 738. Aug. 28, 1962, Pub. L. 87-611, § 1, 76 Stat. 406.

In subsection (c), the words "Employees' Life Insurance Fund" are substituted for "fund created pursuant to section 2094(c) of this title".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8706

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)-(c)	5 U.S.C. 2095	Aug. 17, 1954, ch. 752, § 6, 68 Stat. 739. Aug. 11, 1955, ch. 794, § 2(a), 69 Stat. 677. May 28, 1956, ch. 328, § 1, 70 Stat. 213. Sept. 23, 1959, Pub. L. 86-377, § 4(c), 73 Stat. 701.
(d)	5 U.S.C. 2091(c)	Aug. 1, 1956, ch. 837, § 501(c)(1) (less applicability to § 2(b)), 70 Stat. 882.

In subsection (b), the words "armed forces" are coextensive with and substituted for "Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States" in view of the definition of "armed forces" in section 2101.

In subsection (c), the word "only" is supplied for clarity and for consistency with subsection (b). The words "under conditions determined by the Commission, without cost to him" are coextensive with and substituted for "as provided in subsection (b) of this section".

In subsection (d), the first sentence of former section 2091(c) is omitted as unnecessary as the definition of "employee" in section 8701 precludes acquisition of coverage by a member of a uniformed service. The words "section 101 of title 38" are substituted for "section 1101 of title 38" on authority of section 5(a) of the Act of Sept. 2, 1958, Pub. L. 85-857, 72 Stat. 1262.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8707

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2094(a) (1st par.)	Aug. 17, 1954, ch. 752, § 5(a) (1st par.), 68 Stat. 738. Sept. 23, 1959, Pub. L. 86-377, § 4(b), 73 Stat. 701.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8708

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a), (c)	5 U.S.C. 2094(b)	Aug. 17, 1954, ch. 752, § 5(b), 68 Stat. 738.
(b)	2 U.S.C. 128	Aug. 5, 1955, ch. 568, § 101 (4th par. under "Administrative Provisions"), 69 Stat. 513.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8709

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2096 (less (c)-(e))	Aug. 17, 1954, ch. 752, § 7 (less (c)-(e)), 68 Stat. 739.

In subsection (a), the words "as determined by it" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8710

Derivation: United States Code
5 U.S.C. 2096(c)-(e)

Revised Statutes and Statutes at Large
Aug. 17, 1954, ch. 752, § 7(c)-(e), 68 Stat. 739.
Aug. 11, 1955, ch. 794, § 3, 69 Stat. 677.

The section is reorganized to clarify the steps in the computation of the insurance allocable to issuing and reinsuring companies.

In subsections (c) and (1), references to the first determination date, December 31, 1953, are omitted as executed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8711

Derivation: United States Code
5 U.S.C. 2097 (less(d))

Revised Statutes and Statutes at Large
Aug. 17, 1954, ch. 752, § 8 (less (d)), 68 Stat. 740.

In subsection (a), the word "policy" is substituted for "policy or policies" on authority of 1 U.S.C. 1. In subsections (b) and (c), the words "The policy" are substituted for "Each policy so purchased". In subsections (b), (c), and (d), the word "insurance", preceding the word "company", is omitted as unnecessary; and the word "company" is substituted for "company or companies" on authority of 1 U.S.C. 1.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8712

Derivation: United States Code
5 U.S.C. 2097(d)

Revised Statutes and Statutes at Large
Aug. 17, 1954, ch. 752, § 8(d), 68 Stat. 741.

The words "A policy purchased under this chapter" are substituted for "Each such policy" for clarity. The word "insurance", preceding the word "company", is omitted as unnecessary; and the word "company" is substituted for "company or companies" on authority of 1 U.S.C. 1.

The words "Employees' Life Insurance Fund" are substituted for "fund".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8713

Derivation: United States Code
5 U.S.C. 2101 (less applicability to 5 U.S.C. 2099)

Revised Statutes and Statutes at Large
Aug. 17, 1954, ch. 752, § 12 (less applicability to § 10), 68 Stat. 742.

In subsection (a), the words "hereby established" are omitted as executed.

In subsection (b), the word "additional" is added to conform to subsection (a).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8714

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2094(c) (less applicability to 5 U.S.C. 2099), (d))	Aug. 17, 1954, ch. 752, § 5(c) (less applicability to § 10), 68 Stat. 739. Aug. 11, 1955, ch. 794, § 1(a) "(c) (less applicability to § 10)", (b), 69 Stat. 676. Apr. 11, 1958, Pub. L. 85-377, § 1 (less applicability to § 10), 72 Stat. 87.

In subsection (a), the words "of the Employees' Life Insurance Fund" are substituted for "of a fund which is hereby created". The proviso which made appropriations available to the Commission for salaries and expenses for the fiscal year 1955 available on a reimbursable basis for necessary administrative expenses for carrying out the purposes of this chapter is omitted as executed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8715

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2103 (less applicability to 5 U.S.C. 2099)	Aug. 17, 1954, ch. 752, § 14 (less applicability to § 10), 68 Stat. 743.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8716

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 2100 (less applicability to 5 U.S.C. 2099)	Aug. 17, 1954, ch. 752, § 11 (less applicability to § 10), 68 Stat. 742.
(b), (c)	5 U.S.C. 2091(a) (words between 6th and 7th commas of 1st sentence, and 2d sentence), (d) (words between 1st and 2d commas of 1st sentence, and 2d sentence)	Aug. 17, 1954, ch. 752, § 2(a) (words between 6th and 7th commas of 1st sentence, and 2d sentence), 68 Stat. 736. July 1, 1960, Pub. L. 86-568, § 115(c) "(d) (words between 1st and 2d commas of 1st sentence, and 2d sentence)", 74 Stat. 302. Oct. 6, 1964, Pub. L. 88-631, § 2, 78 Stat. 1007.

In subsection (a), the words "Except as otherwise provided herein" are omitted as unnecessary since the authority to prescribe regulations is carried into this section.

In subsection (b), the words "section 1501 of title 31, District of Columbia Code" are substituted for "section 1 of the District of Columbia Teachers' Salary Act of 1955 (69 Stat. 521), as amended (sec. 31-1501, D.C. Code, 1961 edition)".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

CHAPTER 89—HEALTH INSURANCE

Sec.

- 8901. Definitions.
- 8902. Contracting authority.
- 8903. Health benefits plans.
- 8904. Types of benefits.
- 8905. Election of coverage.
- 8906. Contributions.
- 8907. Information to employees.
- 8908. Coverage of restored employee.
- 8909. Employees Health Benefits Fund.
- 8910. Studies, reports, and audits.
- 8911. Advisory committee.
- 8912. Jurisdiction of courts.
- 8913. Regulations.

SECTION 8901

Derivation: United States Code
5 U.S.C. 3001

Revised Statutes and Statutes at Large
Sept. 28, 1959, Pub. L. 86-382, § 2, 73 Stat. 709.
July 8, 1963, Pub. L. 88-59, § 1, 77 Stat. 76.
Mar. 17, 1964, Pub. L. 88-284, § 1 (1)-(4), 78 Stat. 164.
Aug. 31, 1964, Pub. L. 88-531, § 1, 78 Stat. 737.
July 1, 1960, Pub. L. 86-568, § 115(d) “(f) (1st sentence, less words between 1st and 2d commas)”, 74 Stat. 303.

5 U.S.C. 3002(f) (1st sentence, less words between 1st and 2d commas)

The definition of “employee” in section 2105 of this title is broad enough to cover the officers and employees covered by former section 3001 with the exception of a Member of Congress, the President, an individual employed by the government of the District of Columbia, an individual employed by Gallaudet College, a United States commissioner, and an Official Reporter of Debates of the Senate and an individual employed by him. The first five have been added in paragraphs (1)(B), (D), (E), (F), and (G). The latter are covered by the definition of “Congressional employee” in section 2107 of this title and are included by the addition of a Congressional employee in paragraph (1)(C).

In paragraph (1)(ii), the words “the United States” are substituted for “a State of the United States or the District of Columbia”.

Paragraph (1)(iv) is added for clarity.

In paragraph (8), the words “before January 1, 1964” are substituted for “on or before December 31, 1963”.

The definition of “Commission” in former section 3001(h) is omitted as unnecessary as the full title “Civil Service Commission” is set forth the first time it is used in a section.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8902

Derivation: United States Code
5 U.S.C. 3005

Revised Statutes and Statutes at Large
Sept. 28, 1959, Pub. L. 86-382, § 6, 73 Stat. 712.
Mar. 17, 1964, Pub. L. 88-284, § 1(7)-(9), 78 Stat. 165.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8903

Derivation: United States Code
5 U.S.C. 3003

Revised Statutes and Statutes at Large
Sept. 28, 1959, Pub. L. 86-382, § 4, 73
Stat. 711.
July 8, 1963, Pub. L. 88-59, § 1(b),
77 Stat. 77.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8904

Derivation: United States Code
5 U.S.C. 3004

Revised Statutes and Statutes at Large
Sept. 28, 1959, Pub. L. 86-382, § 5, 73
Stat. 712.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8905

Derivation: United States Code
5 U.S.C. 3002 (a) (1st sentence, less words between 1st and 4th commas), (b)-(e)

Revised Statutes and Statutes at Large
Sept. 28, 1959, Pub. L. 86-382, § 3(a)
(1st sentence, less words between 1st
and 4th commas), (b)-(e), 73 Stat.
710.
Mar. 17, 1964, Pub. L. 88-284, § 1(5),
78 Stat. 164.

In subsection (b)(1), the words "as an employee" are inserted for clarity.

In subsection (b)(1)(C), the words "before January 1, 1965" are substituted for "not later than December 31, 1964".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8906

Derivation: United States Code
5 U.S.C. 3006

Revised Statutes and Statutes at Large
Sept. 28, 1959, Pub. L. 86-382, § 7,
73 Stat. 713.
Mar. 17, 1964, Pub. L. 88-284, § 1(10),
(11), 78 Stat. 165.

In subsection (f)(1), the words "in the case of employees generally" are inserted for clarity.

In subsection (h), the word "biweekly" is inserted for clarity.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8907

Derivation: United States Code
5 U.S.C. 3009(d)

Revised Statutes and Statutes at Large
Sept. 28, 1959, Pub. L. 86-382, § 10(d),
73 Stat. 715.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8908

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 3009(c)	Sept. 28, 1959, Pub. L. 86-382, § 10(c), 73 Stat. 715.
		Mar. 17, 1964, Pub. L. 88-284, § 1 (less (1)-(13)), 78 Stat. 165.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8909

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 3007	Sept. 28, 1959, Pub. L. 86-382, § 8, 73 Stat. 714.
		Mar. 17, 1964, Pub. L. 88-284, § 1(12), (13), 78 Stat. 165.
	5 U.S.C. 3008(b)	Sept. 28, 1959, Pub. L. 86-382, § 9(b), 73 Stat. 715.

In subsection (a), the words "hereby created" are omitted as executed. The words "hereinafter referred to as the 'Fund'" are omitted as unnecessary. The words "to reimburse the Employees Health Benefits Fund for sums expended by the Commission in administering the provisions of this chapter for the fiscal years 1960 and 1961" in former section 3008(b) are omitted as executed.

In subsection (d), the requirement that the assets and liabilities of plans of organizations that have been merged be transferred at the beginning of the contract term next following the date of the merger or enactment of this subsection is omitted as executed. The next beginning contract term referred to was November 1, 1964, and the transfers have been made. In the last sentence, the word "hereafter" is omitted as unnecessary.

In subsection (e), the word "is" is substituted for "is or has been" as this title is stated prospectively, and any existing rights and duties are preserved by technical section 8.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface of the report.

SECTION 8910

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 3010	Sept. 28, 1959, Pub. L. 86-382, § 11, 73 Stat. 716.

In subsection (b), the word "agency" is substituted for "department, agency, and independent establishment".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8911

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 3012	Sept. 28, 1959, Pub. L. 86-382, § 13, 73 Stat. 716.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8912

Derivation: United States Code
5 U.S.C. 3014

Revised Statutes and Statutes at Large
Sept. 28, 1959, Pub. L. 86-382, § 15,
73 Stat. 716.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION 8913

Derivation: United States Code
(a) 5 U.S.C. 3009(a)

Revised Statutes and Statutes at Large
Sept. 28, 1959, Pub. L. 86-382, § 10(a),
73 Stat. 715.

(b) 5 U.S.C. 3002(a) (words
between 1st and 4th
commas of 1st sentence,
and 2d sentence), (f)
(words between 1st and
2d commas of 1st
sentence)

Sept 28, 1959, Pub. L. 86-382, § 3(a)
(words between 1st and 4th commas
of 1st sentence, and 2d sentence), 73
Stat. 710.
July 1, 1960, Pub. L. 86-568, § 115(d)
“(f) (words between 1st and 2d
commas of 1st sentence)”, 74 Stat.
303.

Oct. 6, 1964, Pub. L. 88-631, § 1, 78
Stat. 1007.

(c) 5 U.S.C. 3009(b)

Sept. 28, 1959, Pub. L. 86-382, § 10(b),
73 Stat. 715.

(d) 5 U.S.C. 3002(f)
(2d sentence)

July 1, 1960, Pub. L. 86-568, § 115(d)
“(f) (2d sentence)”, 74 Stat. 303.

In subsection (b)(2), the words “section 1501 of title 31, District of Columbia Code” are substituted for “section 1 of the District of Columbia Teachers’ Salary Act of 1955 (69 Stat. 521), as amended (sec. 31-1501, D.C. Code, 1961 edition)”.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report

EXPLANATION OF AMENDMENTS TO OTHER TITLES

SECTION 2 OF THE BILL

Section 2 amends section 42 of title 4, United States Code, by eliminating provisions relating to civil commissions of officers of the United States. Such provisions are being codified in section 2902 of title 5. Section 2 also amends chapter 4 of title 4, United States Code, by adding a new section covering the consent of the United States to the taxation of employees of the United States, possessions, etc., which was formerly included in title 5, as follows:

4 U.S.C. § 42

Derivation:	United States Code	Revised Statutes and Statutes at Large
	4 U.S.C. 42 (less applicability to civil commissions)	[None]

In the second sentence, the words "Except as provided by section 2902(a) of title 5," are added to reflect the provisions codified in that section.

4 U.S.C. § 111

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 84a	Apr. 12, 1939, ch. 59, § 4, 53 Stat. 575.

The words "received after December 31, 1938," are omitted as obsolete. The words "pay or" are added before "compensation" for clarity as the word "pay" is used throughout title 5, United States Code, to refer to the remuneration, salary, wages, or compensation for the personal services of a Federal employee. The word "territory" is not capitalized as there are no longer any "Territories". The words "to tax such compensation" are omitted as unnecessary.

SECTION 3 OF THE BILL

Section 3 amends title 18, United States Code, by adding new sections covering criminal statutes which were formerly included in titles 5, 31, 42, and 50A, as follows:

18 U.S.C. § 292

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 773(b) (last sentence)	Oct. 14, 1949, ch. 691, § 208 "Sec. 23(b) (last sentence)", 63 Stat. 865.

The words "under subchapter I of chapter 81 of title 5" are substituted for "under this Act" (Federal Employees' Compensation Act) to reflect the codification of the Act in title 5, United States Code.

The words "is approved by the Secretary of Labor" are substituted for "is so approved". The words "Secretary of Labor" are substituted for "Administrator" (Federal Security Administrator) on authority of 1950 Reorg. Plan No. 19, § 1, eff. May 24, 1950, 64 Stat. 1271.

The words "shall be guilty of a misdemeanor" are omitted as unnecessary in view of the definitive section 1 of this title. (See reviser's note under 18 U.S.C. 212, 1964 ed.)

The words "and upon conviction thereof" are omitted as unnecessary because punishment can be imposed only after conviction.

The words "or both" are substituted for "or by both such fine and imprisonment".

Minor changes in phraseology are made to conform to the style of title 18.

18 U.S.C. § 1916

Derivation: ~~18~~ United States Code

31 U.S.C. 665(i)(1) (words after semicolon, as applicable to subsection (b))

Revised Statutes and Statutes at Large

R.S. § 3679(i)(1) (words after semicolon, as applicable to subsection (b)); added Sept. 6, 1950, ch. 896, § 1211 (words after semicolon of 15th par., as applicable to 2d par.), 64 Stat. 768.

The words "section 3101(b) of title 5" are substituted for "subsection (b) . . . of this section" to reflect the codification of that subsection in title 5, United States Code.

The words "upon conviction" are omitted as unnecessary because punishment can be imposed only after conviction.

18 U.S.C. § 1917

Derivation: United States Code

5 U.S.C. 47 (less so much as relates to removal)
5 U.S.C. 50 (2d sentence, less so much as relates to removal)

Revised Statutes and Statutes at Large

Aug. 23, 1912, ch. 350, § 5 (less so much as relates to removal), 37 Stat. 414.

The statement of the acts prohibited is supplied from section 4 of the Act of Aug. 5, 1882, ch. 389, 22 Stat. 255, as amended June 22, 1906, ch. 3514, §§ 6, 8, 34 Stat. 449, and Sept. 23, 1950, ch. 1010, § 7, 64 Stat. 986, which is codified in sections 3103 and 5501 of title 5, United States Code.

The words "upon conviction thereof" are omitted as unnecessary because punishment can be imposed only after conviction.

18 U.S.C. § 1918

Derivation: United States Code

5 U.S.C. 637

Revised Statutes and Statutes at Large

Jan. 16, 1883, ch. 27, § 5, 22 Stat. 405.

The section is rewritten to conform to the style of title 18. The words "a member or employee of the United States Civil Service Commission" are coextensive with and substituted for "Civil Service Commissioner, examiner, copyist, or messenger".

The references to actions in concert with others to violate this section are omitted in view of the crime of conspiracy contained in chapter 19 of title 18.

In paragraph (1), the words "the rules prescribed by the President under title 5 for the administration of the competitive service and the regulations prescribed by the Commission under section 1302(a) of title 5" are substituted for "any such rules or regulations" to provide the basis of reference.

The words "be deemed guilty of a misdemeanor" are omitted as unnecessary in view of the definitive section 1 of this title. (See reviser's note under 18 U.S.C. 212, 1964 ed.)

The words "and upon conviction thereof" are omitted as unnecessary because punishment can be imposed only after conviction.

The words "or both" are substituted for "or by both such fine and imprisonment".

18 U.S.C. § 1919

Derivation: United States Code
5 U.S.C. 118r
[Uncodified]

Revised Statutes and Statutes at Large
Aug. 9, 1955, ch. 690, § 3, 69 Stat. 625.
June 29, 1956, ch. 479, § 3 (as applicable to the Act of Aug. 9, 1955, ch. 690, § 3, 69 Stat. 625), 70 Stat. 453.

The section is rewritten to conform to the style of title 18. The statement of the acts prohibited is supplied from the Act of Aug. 9, 1955, ch. 690, § 1, 69 Stat. 624, which is codified in section 7311 of title 5, United States Code.

The words "From and after July 1, 1956", appearing in the Act of June 29, 1956, are omitted as executed.

The words "shall be guilty of a felony" are omitted as unnecessary in view of the definitive section 1 of this title. (See reviser's note under section 550 of this title.)

18 U.S.C. § 1920

Derivation: United States Code
42 U.S.C. 1368(a)

Revised Statutes and Statutes at Large
Sept. 1, 1954, ch. 1212, § 4(a) "Sec. 1508(a)", 68 Stat. 1135.

The words "under chapter 85 of title 5" are substituted for "under this title" (Title XV of the Social Security Act, as amended) to reflect the codification of the Title in title 5, United States Code.

18 U.S.C. § 1921

Derivation: United States Code
5 U.S.C. 789

Revised Statutes and Statutes at Large
Sept. 7, 1916, ch. 458, § 39, 39 Stat. 749.
Oct. 14, 1949, ch. 691, § 103(b), 63 Stat. 855.

The word "That" in the Act of Sept. 7, 1916, is omitted as unnecessary.

The words "under section 8106 of title 5" are substituted for "under section 754 of this title" to reflect the codification of the section in title 5, United States Code. The words "a claim for compensation under subchapter I of chapter 81 of title 5" are substituted for "any claim for compensation" for clarity.

The words "or both" are substituted for "or by both such fine and imprisonment".

Minor changes in phraseology are made to conform to the style of title 18.

18 U.S.C. § 1922

Derivation: United States Code
5 U.S.C. 760(L)

Revised Statutes and Statutes at Large
Sept. 7, 1916, ch. 458, § 10(L), 39 Stat. 745.
Oct. 14, 1949, ch. 691, § 106(e), 63 Stat. 860.

The word "Whoever" is substituted for "If any person" to conform to the style of title 18.

The words "under sections 8107–8113 and 8133 of title 5" are substituted for "under this section or section 755 or 756 of this title" to reflect the codification of the sections in title 5, United States Code.

The words "or both" are substituted for "or by both such fine and imprisonment".

18 U.S.C. § 1923

Derivation: United States Code
5 U.S.C. 774(b)

Revised Statutes and Statutes at Large
Sept. 13, 1960, Pub. L. 86–767, § 206,
74 Stat. 908.

The words "the reports of the immediate superior specified in section 8120 of title 5" are substituted for "the reports specified in subsection (a) of this section" to reflect the codification of that subsection in title 5, United States Code.

The words "subchapter I of chapter 81 of title 5" and "that subchapter" are substituted for "sections 751–756, 757–781, 783–791, and 793 of this title" and "said sections", respectively, to reflect the codification of the sections in title 5, United States Code.

The words "shall be guilty of a misdemeanor" are omitted as unnecessary in view of the definitive section 1 of this title. (See reviser's note under 18 U.S.C. 212, 1964 ed.)

The words "and upon conviction thereof" are omitted as unnecessary because punishment can be imposed only after conviction.

18 U.S.C. § 1924

Derivation: United States Code
50A U.S.C. 1008

Revised Statutes and Statutes at Large
Mar. 7, 1942, ch. 166, § 8, 56 Stat. 145.

Clauses (1) and (2) are substituted for the words "under this Act" to reflect the codification of the Act. The portion of the Act which is applicable to civilian officers and employees and their dependents is codified in subchapter VII of chapter 55 of title 5, United States Code. The portion of the Act which is applicable to members of the uniformed services and their dependents is codified in chapter 10 of title 37, United States Code.

18 U.S.C. § 4010

Derivation: United States Code
5 U.S.C. 341f

Revised Statutes and Statutes at Large
July 28, 1950, ch. 503, § 7, 64 Stat. 381.
Sept. 16, 1959, Pub. L. 86–286, 73
Stat. 567.

The reference to an appropriation law is omitted as covered by the words "when authorized by law".

18 U.S.C. § 4011

Derivation: United States Code
5 U.S.C. 341g

Revised Statutes and Statutes at Large
July 28, 1950, ch. 503, § 8, 64 Stat. 381.

SECTION 4 OF THE BILL

Section 4 revises and amends parts II and VI of title 28, United States Code, by adding new chapters and sections covering statutes which were formerly included in title 5, as follows:

28 U.S.C. § 501

Derivation:	United States Code 5 U.S.C. 291 (less last 10 words)	Revised Statutes and Statutes at Large R.S. § 346 (less last 10 words).
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The words "There shall be", referring to the establishment of the Department, are omitted as executed.

28 U.S.C. § 502

Derivation:	United States Code 5 U.S.C. 292	Revised Statutes and Statutes at Large R.S. § 353.
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The section is rewritten to conform to other statutes authorizing departmental seals. The words "The seal heretofore provided for the office of the Attorney General shall be" are omitted as obsolete.

28 U.S.C. § 503

Derivation:	United States Code 5 U.S.C. 291 (last 10 words)	Revised Statutes and Statutes at Large R.S. § 346 (last 10 words).
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The words "The President shall appoint, by and with the advice and consent of the Senate" have been added to conform the section with the Constitution. See article II, section 2, clause 2.

28 U.S.C. § 504

Derivation:	United States Code 5 U.S.C. 294	Revised Statutes and Statutes at Large Mar. 3, 1903, ch. 1006, § 1 (so much of 2d par. under "Department of Justice" as provides for appointment, pay, and duties of an assistant to the Attorney General), 32 Stat. 1062. 1950 Reorg. Plan No. 2, § 3, eff. May 24, 1950, 64 Stat. 1261.
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[Uncodified]

The words "may appoint" are substituted for "is authorized to appoint". So much of the Act of Mar. 3, 1903, as relates to pay is omitted as superseded by § 303(c) of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 416, which is codified in section 5314 of title 5, United States Code.

28 U.S.C. § 505

Derivation:	United States Code 5 U.S.C. 293	Revised Statutes and Statutes at Large R.S. § 347 (less last sentence).
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The words "an officer learned in the law" are omitted as unnecessary. Such a requirement is not made of the Attorney General, United States attorneys, or United States judges. (Cf. the reviser's notes under 28 U.S.C. 501, 1964 ed.)

So much of R.S. § 347 as relates to the pay of the Solicitor General is omitted as superseded by § 303(c) of the Act of Aug. 14, 1964,

Pub. L. 88-426, 78 Stat. 416, which is codified in section 5314 of title 5, United States Code.

28 U.S.C. § 506

Derivation: United States Code
5 U.S.C. 295

Revised Statutes and Statutes at Large

R.S. § 348.

July 11, 1890, ch. 667, § 1 (words between 3d and 4th semicolons under "Department of Justice"), 26 Stat. 265.

Mar. 3, 1903, ch. 1006, § 1 (so much of 2d par. under "Department of Justice" as provides for appointment, pay, and duties of an additional Assistant Attorney General), 32 Stat. 1062.

July 16, 1914, ch. 141, § 1 (words between 3d and 4th semicolons under "Department of Justice"), 38 Stat. 497.

Mar. 4, 1915, ch. 141, § 1 (words between 3d and 4th semicolons under "Department of Justice"), 38 Stat. 1038.

June 16, 1933, ch. 101, § 16(b), 48 Stat. 308.

Mar. 2, 1943, ch. 7, 57 Stat. 4.

1950 Reorg. Plan No. 2, § 4, eff. May 24, 1950, 64 Stat. 1261.

1953 Reorg. Plan No. 4, § 2, eff. June 20, 1953, 67 Stat. 636.

Sept. 9, 1957, Pub. L. 85-315, § 111, 71 Stat. 637.

[Uncodified]

[Uncodified]

5 U.S.C. 295-1

The words "There shall be in the Department of Justice" are omitted as unnecessary as the title of the positions establishes their location in the Department of Justice.

The position of sixth Assistant Attorney General, referred to in the Acts of July 16, 1914, and Mar. 4, 1915, was made a permanent position by the Act of Mar. 4, 1915, ch. 141, § 6, 38 Stat. 1049.

The number of Assistant Attorneys General referred to in the Act of Mar. 2, 1943, is changed from "six" to "nine" to reflect the three additional Assistant Attorneys General authorized by 1950 Reorg. Plan No. 2, 1953 Reorg. Plan No. 4, and the Act of Sept. 9, 1957.

The words "learned in the law" are omitted as unnecessary. Such a requirement is not made of the Attorney General, United States attorneys, or United States judges. (See reviser's note under 28 U.S.C. 501, 1964 ed.)

The reference in former section 295 of title 5 to the Assistant Attorneys General assisting the Solicitor General are omitted on authority of the transfer of functions made by 1950 Reorg. Plan No. 2 and 1953 Reorg. Plan No. 4.

Provisions of 1950 Reorg. Plan No. 2, § 4, and 1953 Reorg. Plan No. 4, § 2, abolishing positions and transferring incumbents are omitted as executed.

Provisions relating to pay of Assistant Attorneys General are omitted as superseded by § 303(d) of the Act of August 14, 1964, Pub. L. 88-426, 78 Stat. 418, which is codified in section 5315 of title 5, United States Code.

28 U.S.C. § 507

Derivation: United States Code
[Uncodified]

Revised Statutes and Statutes at Large
1950 Reorg. Plan No. 2, § 5 eff. May
24, 1950, 64 Stat. 1261.

The title of the position was changed to "Assistant Attorney General for Administration" by § 307 of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 432.

The words "competitive service" are substituted for "classified civil service" because the term "classified civil service" formerly used to designate the merit system established by the Civil Service Act of 1883 has become ambiguous due to the creation of the "classified" pay system. The term "competitive service" is now customarily used, and appears throughout title 5, United States Code, in place of "classified civil service".

The words "There shall be in the Department of Justice" are omitted as unnecessary as the title of the position and the fact of appointment by the Attorney General establish the location of the position in the Department of Justice.

The last 12 words of section 5 of the Reorganization Plan are omitted on authority of the Act of June 5, 1952, ch. 369, § 1101 (3d proviso), 66 Stat. 121. The salary of the position is now fixed by § 303(e) of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 420, which is codified in section 5316 of title 5, United States Code.

28 U.S.C. § 508

Derivation: United States Code
[Uncodified]
[Uncodified]

Revised Statutes and Statutes at Large
R.S. § 347 (last sentence).
1953 Reorg. Plan No. 4, § 1, eff. June
20, 1953, 67 Stat. 636.

The last sentence of R.S. § 347 is cited as authority inasmuch as the function contained therein was the function transferred to the Deputy Attorney General by 1953 Reorg. Plan No. 4. The word "may" is substituted for "have the power". The words "During any period of time" are omitted as unnecessary.

28 U.S.C. § 509

Derivation: United States Code
[Uncodified]

Revised Statutes and Statutes at Large
1950 Reorg. Plan No. 2, § 2, eff.
May 24, 1950, 64 Stat. 1261.

The section is restated to allow incorporation into this chapter.

28 U.S.C. § 510

Derivation: United States Code
[Uncodified]

Revised Statutes and Statutes at Large
1950 Reorg. Plan No. 2, § 2, eff. May
24, 1950, 64 Stat. 1261.

The words "including any function transferred to the Attorney General by the provisions of this reorganization plan" are omitted as executed and unnecessary as the words "any function of the Attorney General" include the functions transferred to the Attorney General by 1950 Reorg. Plan No. 2.

28 U.S.C. § 511

Derivation: United States Code
5 U.S.C. 303

Revised Statutes and Statutes at Large
R.S. § 354.
Feb. 27, 1877, ch. 69, § 1 (8th full par.
on p. 241), 19 Stat. 241.

28 U.S.C. § 512

Derivation: United States Code
5 U.S.C. 304

Revised Statutes and Statutes at Large
R.S. § 356.

28 U.S.C. § 513

Derivation: United States Code
5 U.S.C. 307

Revised Statutes and Statutes at Large
R.S. § 357.

The Department of War was designated the Department of the Army by the Act of July 26, 1947, ch. 343, § 205, 61 Stat. 501. "Department of the Air Force" is added on authority of the Act of July 26, 1947, ch. 343, § 207(a), (f), 61 Stat. 502. The word "Secretary" is substituted for "head". The words "military department" are substituted for "department" to conform to section 102 of title 5, United States Code, and section 101 of title 10, United States Code. The words "for disposition" are substituted for "to be by him referred to the proper officer in his department, or otherwise disposed of as he may deem proper".

28 U.S.C. § 514

Derivation: United States Code
5 U.S.C. 48
5 U.S.C. 313

Revised Statutes and Statutes at Large
R.S. § 187.
R.S. § 364.

Sections 187 and 364 of the Revised Statutes are combined into one section since they both deal with the same subject matter and are derived from the Act of Feb. 14, 1871, ch. 51, § 3, 16 Stat. 412.

The words "executive department" are substituted for "Department" because "Department", as used in R.S. §§ 187 and 364, meant "executive department". (See R.S. § 159.) The word "agency" is substituted for "bureau" as it has a more common current acceptance. The word "concerning" is substituted for "touching". Reference to application for a subpoena is omitted as R.S. § 364 gives the department head the same authority to request aid from the Attorney General whether or not application has been made for a subpoena.

Section 187 of the Revised Statutes was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, § 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579 (former 5 U.S.C. 171-1), which provides "Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense" is omitted from this title but is not repealed.

Minor changes are made in phraseology to allow for the combining of the two sections.

28 U.S.C. § 515

Derivation: United States Code
 (a) 5 U.S.C. 310
 (b) 5 U.S.C. 315

[Uncodified]

[Uncodified]

Revised Statutes and Statutes at Large
 June 30, 1906, ch. 3935, 34 Stat. 816.
 R.S. § 366.
 Apr. 17, 1930, ch. 174, 46 Stat. 170.
 June 25, 1948, ch. 646, § 3, 62 Stat. 985.
 Aug. 5, 1953, ch. 328, § 202 (1st and 2d provisos, as applicable to special assistants and special attorneys), 67 Stat. 375.
 July 2, 1954, ch. 456, § 202 (as applicable to special assistants and special attorneys), 68 Stat. 421.

In subsection (a), the words “or counselor” are omitted as redundant. The words “United States attorneys” are substituted for “district attorneys” on authority of the Act of June 25, 1948, ch. 646, § 1, 62 Stat. 909. The words “any provision of” are omitted as unnecessary.

28 U.S.C. § 516

Derivation: United States Code
 5 U.S.C. 306

Revised Statutes and Statutes at Large
 R.S. § 361.
 Sept. 3, 1954, ch. 1263, § 11, 68 Stat. 1229.

The section is revised to express the effect of the law. As agency heads have long employed, with the approval of Congress, attorneys to advise them in the conduct of their official duties, the first 56 words of R.S. § 361 and of former section 306 of title 5 are omitted as obsolete.

The section concentrates the authority for the conduct of litigation in the Department of Justice. The words “Except as otherwise authorized by law,” are added to provide for existing and future exceptions (e.g., section 1037 of title 10). The words “an agency” are added for clarity and to align this section with section 519 which is of similar import. The words “as such officer” are omitted as unnecessary since it is implied that the officer is a party in his official capacity as an officer.

So much as prohibits the employment of counsel, other than in the Department of Justice, to conduct litigation is omitted as covered by R.S. § 365, which is codified in section 3106 of title 5, United States Code.

28 U.S.C. § 517

Derivation: United States Code
 5 U.S.C. 316

Revised Statutes and Statutes at Large
 R.S. § 367.

28 U.S.C. § 518

Derivation: United States Code
 5 U.S.C. 309

Revised Statutes and Statutes at Large
 R.S. § 359.

The words “and writs of error” are omitted on authority of the Act of Jan. 31, 1928, ch. 14, § 1, 45 Stat. 54. The word “considers” is substituted for “deems”.

28 U.S.C. § 519

Derivation: United States Code
 28 U.S.C. 507(b)

Revised Statutes and Statutes at Large
 [None]

The words "Except as otherwise authorized by law," are added to provide for existing and future exceptions (e.g., section 1037 of title 10).

The words "or officer" are added for clarity and to align this section with section 516 which is of similar import.

The words "special attorneys appointed under section 543" are substituted for "attorneys appointed under section 503" to reflect the revision of this title.

28 U.S.C. § 520

Derivation: United States Code
5 U.S.C. 91

Revised Statutes and Statutes at Large
R.S. § 188.

The section is reorganized and restated for clarity.

In subsection (a), the word "concerning" is substituted for "touching".

In subsection (b), the words "without delay" are omitted as unnecessary in view of the requirement that the statement be furnished "Within a reasonable time". The word "briefly" is substituted for "succinctly". The words "in suit" are omitted as unnecessary.

The words "executive department" are substituted for "department" because "department" as used in R.S. § 188 meant "executive department". (See R.S. § 159.) The words "military department" are inserted to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive Department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this section, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser's note for section 301 of title 5, United States Code.

Section 188 of the Revised Statutes was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, § 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579 (former 5 U.S.C. 171-1), which provides "Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense" is omitted from this title but is not repealed.

28 U.S.C. § 521

Derivation: United States Code
5 U.S.C. 305 (1st sentence,
as applicable to the At-
torney General; 2d and
3d sentences)

Revised Statutes and Statutes at Large
R.S. § 383 (1st sentence, as applicable
to the Attorney General; 2d and 3d
sentences).

The words "his opinions" are substituted for "the opinions of the law officers herein authorized to be given" as the opinions of the Attorney General are his and only his and the reference to other "law officers" is misleading. All functions of all other officers of the Depart-

ment of Justice were transferred to the Attorney General by 1950 Reorg. Plan No. 2, § 1, eff. May 14, 1950, 64 Stat. 1261. The word "considers" is substituted for "may deem".

In the last sentence, the words "proper" and "complete and full" are omitted as unnecessary.

28 U.S.C. § 522

Derivation: United States Code
5 U.S.C. 333

Revised Statutes and Statutes at Large
R.S. § 384.

The words "The Attorney General . . . shall report" are substituted for "It shall be the duty of the Attorney General to make . . . a report". The word "beginning" is substituted for "commencement". The words "pertaining to the Department that he considers proper" are substituted for "appertaining thereto that he may deem proper".

The words "and a detailed statement of the amounts used for defraying the expenses of the United States courts in each judicial district" are omitted as obsolete in view of the creation of the Administrative Office of the United States Courts by the Act of Aug. 7, 1939, ch. 501, § 1, 53 Stat. 1223 (Chapter 41 of this title).

In paragraph (3), the words "involving the United States" are inserted for clarity. The function of reporting on all cases pending in the United States courts is now vested in the Administrative Office of the United States Courts, see 28 U.S.C. 604.

28 U.S.C. § 523

Derivation: United States Code
5 U.S.C. 319

Revised Statutes and Statutes at Large
R.S. § 369.

The words "General Accounting Office" are substituted for "First Auditor or First Comptroller of the Treasury" on authority of the Act of June 10, 1921, ch. 18 § 304, 42 Stat. 24.

28 U.S.C. § 524

Derivation: United States Code
5 U.S.C. 341

Revised Statutes and Statutes at Large
July 28, 1950, ch. 503, § 1, 64 Stat. 380.

The words "now or hereafter" are omitted as unnecessary. The words "Assistant Attorney General for Administration" are substituted for "his administrative assistant" to make the statute more specific and to reflect the current title of the position, see § 307 of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 432.

28 U.S.C. § 525

Derivation: United States Code
5 U.S.C. 341e

Revised Statutes and Statutes at Large
July 28, 1950, ch. 503, § 3, 64 Stat. 380.

The words "Attorney General" are substituted for "Department of Justice".

28 U.S.C. § 526

Derivation: United States Code
5 U.S.C. 341b

Revised Statutes and Statutes at Large
July 28, 1950, ch. 503, § 4, 64 Stat. 380.
July 7, 1958, Pub. L. 85-508, § 12(q),
72 Stat. 349.

In subsection (b), the words “now or hereafter” and “the provisions of” are omitted as unnecessary.

28 U.S.C. § 531

The section is supplied for convenience and clarification. The Bureau of Investigation in the Department of Justice, the earliest predecessor agency of the Federal Bureau of Investigation, was created administratively in 1908. It appears that funds used for the Bureau of Investigation were first obtained through the Department of Justice Appropriation Act of May 22, 1908, ch. 186, § 1 (par. beginning “From the appropriations for the prosecution of crimes”), 35 Stat. 236, although that statutory provision makes no express mention of the Bureau or of the investigative function.

Section 3 of Executive Order No. 6166 of June 10, 1933, specifically recognized the Bureau of Investigation in the Department of Justice and provided that all that Bureau’s functions together with the investigative functions of the Bureau of Prohibition were “transferred to and consolidated in a Division of Investigation in the Department of Justice, at the head of which shall be a Director of Investigation.”

The Division of Investigation was first designated as the “Federal Bureau of Investigation” by the Act of Mar. 22, 1935, ch. 39, title II, 49 Stat. 77, and has been so designated in statutes since that date.

28 U.S.C. § 532

The section is supplied for convenience and clarification and is based on section 3 of Executive Order No. 6166 of June 10, 1933, which provided for the transfer of the functions of the Bureau of Investigation together with the investigative functions of the Bureau of Prohibition to a “Division of Investigation in the Department of Justice, at the head of which shall be a Director of Investigation”. The Division of Investigation was first designated as the “Federal Bureau of Investigation” by the Act of Mar. 22, 1935, ch. 39, title II, 49 Stat. 77, and has been so designated in statutes since that date. The title of “Director of the Federal Bureau of Investigation” was recognized by statute in the Act of June 5, 1936, ch. 529, 49 Stat. 1484, and has been used in statutes since that date.

28 U.S.C. § 533

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 299, 300 (less applicability to acquisition etc. of identification and other records)	Aug. 31, 1964, Pub. L. 88-527, § 201 (1st 105 words of 1st par. under “Federal Bureau of Investigation”, less applicability to acquisition etc. of identification and other records), 78 Stat. 717.

The section is from the Department of Justice Appropriation Act, 1965. Similar provisions were contained in each appropriation Act for the Department running back to 1921, which Acts are identified in a note under sections 299 and 300 of title 5, U.S.C. 1964 ed.

The section is reorganized for clarity. The authority to appoint officials for the cited purposes is implied. The word “may” is substituted for “is authorized to”. The words “who shall be vested with

the authority necessary for the execution of such duties" are omitted as unnecessary as the appointment of the officials for the purposes indicated carries with it the authority necessary to perform their duties.

In paragraph (2), the words "to assist in" are added for clarity and in recognition of the provisions of 18 U.S.C. 3056 which vest in the United States Secret Service the responsibility for the protection of the person of the President. As so revised, this paragraph will assure that the Secret Service will continue to have primary responsibility for the protection of the President but at the same time will permit the Federal Bureau of Investigation to render assistance in such protection.

The last sentence is added because in various areas the authority to investigate certain criminal offenses has been specifically assigned by statute to departments and agencies other than the Federal Bureau of Investigation. For example, the enforcement of the internal revenue laws is specifically a function of the Secretary of the Treasury and he is authorized to employ such numbers of persons as he deems proper for the enforcement of such laws (26 U.S.C. 7801, 7803). The Secretary of the Treasury is specifically authorized to direct the collection of duties on imports and to appoint such employees for that purpose as he deems necessary (19 U.S.C. 3, 6). The U.S. Coast Guard is specifically authorized to enforce or assist in enforcing the Federal laws upon the high seas and waters subject to the jurisdiction of the United States (14 U.S.C. 2). Subject to the direction of the Secretary of the Treasury, the Secret Service is specifically authorized to detect and arrest persons committing offenses against the laws of the United States relating to coins and obligations and securities of the United States and foreign governments (18 U.S.C. 3056).

28 U.S.C. § 534

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 300 (as applicable to acquisition etc. of identification and other records)	Aug. 31, 1964, Pub. L. 88-527, § 201 (1st 105 words of 1st par. under "Federal Bureau of Investigation", as applicable to acquisition etc. of identification and other records), 78 Stat. 717.
	5 U.S.C. 340	June 11, 1930, ch. 455, 46 Stat. 554.

The sections are combined and reorganized for clarity. Former section 300 of title 5 was from the Department of Justice Appropriation Act, 1965. Similar provisions were contained in each appropriation Act for the Department of Justice running back to 1921, which Acts are identified in a note under former section 300 of title 5, U.S.C. 1964 ed.

In subsection (a), the word "shall" is substituted for "has the duty" as a more direct expression. The function of acquiring, collecting, classifying, etc., referred to in former section 340 of title 5 was transferred to the Attorney General by 1950 Reorg. Plan No. 2, § 1, eff. May 24, 1950, 64 Stat. 1261, which is codified in section 509 of this title. Accordingly, the first 29 words and last 30 words of former section 340 are omitted as unnecessary.

In subsection (c), the authority to appoint officials for the cited purposes is implied.

28 U.S.C. § 535

Derivation: United States Code
5 U.S.C. 311a

Revised Statutes and Statutes at Large
Aug. 31, 1954, ch. 1143, § 1, 68 Stat.
998.

The section is reorganized for clarity and continuity.

In subsection (a), the word "may" is substituted for "shall have authority". The word "is" is substituted for "may have been or may hereafter be".

In subsection (c), the words "This section does not limit" are substituted for "that the provisions of this section shall not limit, in any way". The words "(chapter 47 of title 10)" are added after "Uniform Code of Military Justice" to reflect the codification of that Code in title 10, United States Code.

28 U.S.C. § 536

Derivation: United States Code
5 U.S.C. 300d

Revised Statutes and Statutes at Large
Aug. 31, 1964, Pub. L. 88-527, § 201
(2nd par. under "Federal Bureau
of Investigation"), 78 Stat. 718.
July 28, 1950, ch. 503, § 5 (last sen-
tence), 64 Stat. 380.

The section is revised and restated to eliminate ambiguity and give true effect to the prohibition against the use of appropriations to the Federal Bureau of Investigation. The language used to define the excepted status of the positions, officers, and employees is based on revised sections 2102 and 2103 of title 5, United States Code.

The provisions of this section were made permanent by the Act of July 28, 1950, 64 Stat. 380. Identical provisions appearing in former section 300d of title 5 are derived from the Department of Justice Appropriation Act, 1965, and earlier appropriation Acts for the Department of Justice running back to 1942, which Acts are identified in a note under former section 300d of title 5, U.S.C. 1964 ed.

28 U.S.C. § 537

Derivation: United States Code
5 U.S.C. 341c (less last
sentence)

Revised Statutes and Statutes at Large
July 28, 1950, ch. 503, § 5 (less last
sentence), 64 Stat. 380.

The section is revised and reorganized for clarity. The words "International Criminal Police Organization" are substituted for "International Commission of Criminal Police" on authority of the Act of Aug. 27, 1958, Pub. L. 85-768, 72 Stat. 921; 22 U.S.C. 263a. The word "spent" is substituted for "expended". The words "certify the amount spent that he considers" are substituted for "make a certificate of the amount of any such expenditure as he may think it". The words "his certification is a sufficient voucher" are substituted for "and every such certificate shall be deemed a sufficient voucher".

28 U.S.C. § 541

Derivation: United States Code
(a) 28 U.S.C. 501
(b) 28 U.S.C. 504(a)
(c) 28 U.S.C. 504(b) (less
2d sentence)

Revised Statutes and Statutes at Large
[None]
[None]
[None]

In subsection (c), the word "is" is substituted for "shall be".

28 U.S.C. § 542

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	28 U.S.C. 502	[None]
(b)	28 U.S.C. 504(b) (2d sentence, as applicable to assistant United States attorneys)	[None]

In subsection (b), the word “is” is substituted for “shall be”.

28 U.S.C. § 543

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	28 U.S.C. 503 5 U.S.C. 298	[None] July 28, 1916, ch. 261, § 1 (6th par. on p. 413), 39 Stat. 413.
(b)	28 U.S.C. 504(b) (2d sentence, less applicability to assistant United States attorneys)	[None]

The text of former section 298 of title 5 is omitted as unnecessary. The position so authorized has not been filled in recent years, and the authority is preserved by this section and revised section 3101 of title 5, United States Code.

In subsection (b), the word “is” is substituted for “shall be”.

28 U.S.C. § 544

Derivation:	United States Code	Revised Statutes and Statutes at Large
	28 U.S.C. 504(c)	[None]

28 U.S.C. § 545

Derivation:	United States Code	Revised Statutes and Statutes at Large
	28 U.S.C. 505	[None]

In subsection (a), the word “shall” is substituted for “must”. The word “thereof” is substituted for “of the District”.

28 U.S.C. § 546

Derivation:	United States Code	Revised Statutes and Statutes at Large
	28 U.S.C. 506	[None]

28 U.S.C. § 547

Derivation:	United States Code	Revised Statutes and Statutes at Large
	28 U.S.C. 507(a)	[None]

The word “shall” is substituted for “it shall be the duty of”.

28 U.S.C. § 548

Derivation:	United States Code	Revised Statutes and Statutes at Large
	28 U.S.C. 508	[None]

The words “section 5317 of title 5” are substituted for the reference to subsection (f) of section 303 of the Federal Executive Salary Act of 1964 to reflect the codification of that subsection in title 5. The reference to subsection (g) of section 303 of that Act is omitted as surplusage since the subsection expired on February 1, 1965, and any

existing rights are preserved by technical § 8 of the bill. The words “GS-18 of the General Schedule set forth in section 5332 of title 5” are substituted for “grade 18 of the General Schedule of the Classification Act of 1949, as amended”.

28 U.S.C. § 549

Derivation: United States Code
28 U.S.C. 509

Revised Statutes and Statutes at Large
[None]

The second paragraph of former section 509 is omitted as it was superseded by the Travel Expense Act of 1949, which is codified in subchapter I of chapter 57 of title 5, United States Code.

The second paragraph was based in part on former section 73 of title 5, 1940 ed., which was superseded by the Subsistence Expense Act of 1926.

Section 6 of the Travel Expense Act of 1949, which is codified in section 5706 of title 5, United States Code, substantially reenacted former section 73 of title 5, 1940 ed., which was repealed by the Act of June 25, 1948, ch. 646, by which title 28 was originally enacted. The purpose of section 6 was to allow reimbursement for only such actual and necessary travel expenses incurred unless otherwise permitted by the Act of 1949 itself or by laws relating to the military. Section 6 did not, however, provide for the exception of United States attorneys as did former section 73.

Sections 2 and 3 of the Act of 1949, which are codified in sections 5701 and 5702 of title 5, United States Code, defined the coverage of the Act and allowed for specific exclusions in the legislative and judicial branches but did not mention an exclusion in the executive branch for United States attorneys.

Section 7 of the 1949 Act, which is codified in section 5707 of title 5, United States Code, expressly vested in the Director of the Bureau of the Budget the authority to prescribe regulations covering travel allowances and the reimbursement of travel expenses.

Section 8 of the 1949 Act, which is codified in section 5708(1), (2) of title 5, United States Code, made specific exclusions from the coverage of the Act, and United States attorneys were not so excluded.

Section 9 of the 1949 Act, which is codified in section 5708(3), (4) of title 5, United States Code, modified acts inconsistent with the 1949 Act, and specifically mentioned acts which authorize reimbursement of “actual and necessary” expenses.

28 U.S.C. § 550

Derivation: United States Code
28 U.S.C. 510

Revised Statutes and Statutes at Large
[None]

The words “and at salaries fixed by” are omitted as superseded by the Classification Act of 1949, as amended, which is codified in chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

28 U.S.C. § 561

Derivation: United States Code
28 U.S.C. 541

Revised Statutes and Statutes at Large
[None]

28 U.S.C. § 562

Derivation:	United States Code	Revised Statutes and Statutes at Large
	28 U.S.C. 542	[None]

In the second sentence, the word "is" is substituted for "shall be".

28 U.S.C. § 563

Derivation:	United States Code	Revised Statutes and Statutes at Large
	28 U.S.C. 543	[None]

28 U.S.C. § 564

Derivation:	United States Code	Revised Statutes and Statutes at Large
	28 U.S.C. 544	[None]

In subsection (a), the word "Each" is substituted for "Every".

28 U.S.C. § 565

Derivation:	United States Code	Revised Statutes and Statutes at Large
	28 U.S.C. 545	[None]

28 U.S.C. § 566

Derivation:	United States Code	Revised Statutes and Statutes at Large
	28 U.S.C. 546	[None]

In subsection (b), the word "is" is substituted for "shall". The word "has" is substituted for "shall".

28 U.S.C. § 567

Derivation:	United States Code	Revised Statutes and Statutes at Large
	28 U.S.C. 553	[None]

Paragraphs (2) and (3) are omitted as they were superseded by the Travel Expense Act of 1949, which is codified in subchapter I of chapter 57 of title 5, United States Code. The 1949 Act covered, among others, all civilian officers and employees of the executive departments which includes United States marshals and their deputies who are officers and employees, respectively, of the Department of Justice.

The Act of 1949 vested the promulgation of regulations under it in the Director of the Bureau of the Budget. Under former section 827 of title 5, the Attorney General had the authority to promulgate regulations governing the travel of marshals, however, that section was repealed by the 1949 Act and the authority to prescribe regulations covering travel allowances and the reimbursement of travel expenses is now vested in the Director of the Bureau of the Budget, and is codified in section 5707 of title 5, United States Code.

The Acts of Aug. 4, 1955, ch. 550, 69 Stat. 492, and Aug. 14, 1961, Pub. L. 87-139, § 5, 75 Stat. 340, were introduced in Congress on the apparent assumption that the Act of 1949 did not apply to marshals and that the raise in mileage allowances proposed as amendments to the Act of 1949 would not benefit marshals as the amendment of the 1949 Act did not specifically amend former section 553 of this title. The Acts of Aug. 4, 1955, and Aug. 14, 1961, were unnecessary as the new rate contained in the amendments of the 1949 Act were applicable

to marshals by reason of the fact that the 1949 Act had superseded paragraph (3) of former section 553 in which the former rate was set forth.

28 U.S.C. § 568

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 341a	July 28, 1950, ch. 503, § 2, 64 Stat. 380.

The words "now or hereafter provided" are omitted as unnecessary. The word "are" is substituted for "shall be".

28 U.S.C. § 569

Derivation:	United States Code	Revised Statutes and Statutes at Large
	28 U.S.C. 547	[None]

28 U.S.C. § 570

Derivation:	United States Code	Revised Statutes and Statutes at Large
	28 U.S.C. 549	[None]

28 U.S.C. § 571

Derivation:	United States Code	Revised Statutes and Statutes at Large
	28 U.S.C. 550	[None]

In subsections (a) and (b), the words "per diem" are substituted for "subsistence" on authority of the Travel Expense Act of 1949, which is codified in subchapter I of chapter 57 of title 5, United States Code.

In subsection (c), the word "is" is substituted for "shall be".

28 U.S.C. § 572

Derivation:	United States Code	Revised Statutes and Statutes at Large
	28 U.S.C. 551	[None]

In subsection (b), the words "may not" are substituted for "shall not".

28 U.S.C. § 573

Derivation:	United States Code	Revised Statutes and Statutes at Large
	28 U.S.C. 554	[None]

28 U.S.C. § 574

Derivation:	United States Code	Revised Statutes and Statutes at Large
	28 U.S.C. 555	[None]

28 U.S.C. § 575

Derivation:	United States Code	Revised Statutes and Statutes at Large
	28 U.S.C. 556	[None]

The words "may not" are substituted for "shall not".

28 U.S.C. § 2341

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1031	Dec. 29, 1950, ch. 1189, § 1, 64 Stat. 1129.
		Aug. 30, 1954, ch. 1073, § 2(a), 68 Stat. 961.

Subsection (a) of former section 1031 of title 5 is omitted as unnecessary because the term "court of appeals" as used in title 28 means a United States Court of Appeals and no additional definition is necessary.

In paragraph (3), reference to the United States Maritime Commission is omitted because that Commission was abolished by 1950 Reorg. Plan No. 21, § 306, eff. May 24, 1951, 64 Stat. 1277. Reference to "Federal Maritime Commission" is substituted for "Federal Maritime Board" on authority of 1961 Reorg. Plan No. 7, eff. Aug. 12, 1961, 75 Stat. 840.

28 U.S.C. § 2342

Derivation: United States Code
5 U.S.C. 1032

Revised Statutes and Statutes at Large
Dec. 29, 1950, ch. 1189, § 2, 64 Stat. 1129.
Aug. 30, 1954, ch. 1073, § 2(b), 68 Stat. 961.

The words "has exclusive jurisdiction" are substituted for "shall have exclusive jurisdiction".

In paragraph (1), the word "by" is substituted for "in accordance with".

In paragraph (3), the word "now" is omitted as unnecessary. The word "under" is substituted for "pursuant to the provisions of". Reference to "Federal Maritime Commission" is substituted for "Federal Maritime Board" on authority of 1961 Reorg. Plan No. 7, eff. Aug. 12, 1961, 75 Stat. 840. Reference to the United States Maritime Commission is omitted because that Commission was abolished by 1950 Reorg. Plan. No. 21, § 306, eff. May 24, 1951, 64 Stat. 1277, and any existing rights are preserved by technical sections 7 and 8.

28 U.S.C. § 2343

Derivation: United States Code
5 U.S.C. 1033

Revised Statutes and Statutes at Large
Dec. 29, 1950, ch. 1189, § 3, 64 Stat. 1130.

The section is reorganized for clarity and conciseness. The word "is" is substituted for "shall be". The word "petitioner" is substituted for "party or any of the parties filing the petition for review" in view of the definition of "petitioner" in section 2341 of this title.

28 U.S.C. § 2344

Derivation: United States Code
5 U.S.C. 1034

Revised Statutes and Statutes at Large
Dec. 29, 1950, ch. 1189, § 4, 64 Stat. 1130.

Section is reorganized, with minor changes in phraseology. The words "as prescribed by section 1033 of this title" are omitted as surplusage. The words "of the United States" following "Attorney General" are omitted as unnecessary.

28 U.S.C. § 2345

Derivation: United States Code
5 U.S.C. 1035

Revised Statutes and Statutes at Large
Dec. 29, 1950, ch. 1189, § 5, 64 Stat. 1130.

28 U.S.C. § 2346

Derivation: United States Code
5 U.S.C. 1036

Revised Statutes and Statutes at Large
Dec. 29, 1950, ch. 1189, § 6, 64 Stat.
1130.
Aug. 28, 1958, Pub. L. 85-791, § 31(a),
72 Stat. 951.

The words "of the court of appeals in which the proceeding is pending" are omitted as unnecessary in view of the definition of "clerk" in section 2341 of this title, and by reason of the exclusive jurisdiction of the court of appeals set forth in section 2342 of this title.

28 U.S.C. § 2347

Derivation: United States Code
5 U.S.C. 1037

Revised Statutes and Statutes at Large
Dec. 29, 1950, ch. 1189, § 7, 64 Stat.
1130.
Aug. 28, 1958, Pub. L. 85-791, § 31(b),
72 Stat. 951.

The headnotes of the subsections are omitted as unnecessary and to conform to the style of title 28.

In subsection (a), the words "the petition" following "on a motion to dismiss" are omitted as unnecessary. The word "are" is substituted for "shall be". The words "in fact" following "when the agency has" are omitted as unnecessary.

In subsection (b)(3), the words "United States" preceding "district court" are omitted as unnecessary because the term "district court" as used in title 28 means a United States district court. See section 451 of title 28, United States Code. The words "or any petitioner" are omitted as unnecessary in view of the definition of "petitioner" in section 2341 of this title. In the last sentence, the word "is" is substituted for "shall be".

In subsection (c), the words "applies" and "shows" are substituted for "shall apply" and "shall show", respectively.

28 U.S.C. § 2348

Derivation: United States Code
5 U.S.C. 1038

Revised Statutes and Statutes at Large
Dec. 29, 1950, ch. 1189, § 8, 64 Stat.
1131.

In the first sentence, the words "is responsible for and has control" are substituted for "shall be responsible for and have charge and control".

In the last sentence, the word "may" is substituted for "shall". The word "aforesaid" following "any party or intervenor" is omitted as unnecessary. The words "any intervenor" and "inaction" are substituted for "said intervenor or intervenors" and "nonaction", respectively.

28 U.S.C. § 2349

Derivation: United States Code
5 U.S.C. 1039

Revised Statutes and Statutes at Large
Dec. 29, 1950, ch. 1189, § 9, 64 Stat.
1131.
Sept. 13, 1961, Pub. L. 87-225, § 1,
75 Stat. 497.

The headnotes of the subsections are omitted as unnecessary and to conform to the style of title 28.

In subsection (a), the words “has jurisdiction” and “has exclusive jurisdiction” are substituted for “shall have jurisdiction” and “shall have exclusive jurisdiction”, respectively. The words “previously granted” are substituted for “theretofore granted” as the preferred expression.

In subsection (b), the words “does not” are substituted for “shall not”. The words “of the United States” following “Attorney General” are omitted as unnecessary. The words “In a case in which” are substituted for “In cases where”. The word “result” is substituted for “ensue”. In the fourth sentence, the words “provided for above” following the last word “application” are omitted as unnecessary. In the last sentence, the word “applies” is substituted for “shall apply”.

28 U.S.C. § 2350

Derivation: United States Code
5 U.S.C. 1040

Revised Statutes and Statutes at Large
Dec. 29, 1950, ch. 1189, § 10, 64 Stat.
1132.

The words “of the United States” following “Supreme Court” are omitted as unnecessary because the term “Supreme Court” as used in title 28 means the Supreme Court of the United States.

28 U.S.C. § 2351

Derivation: United States Code
5 U.S.C. 1042

Revised Statutes and Statutes at Large
Dec. 29, 1950, ch. 1189, § 12, 64 Stat.
1132.

The words “United States” preceding “district court” are omitted as unnecessary because the term “district court” as used in title 28 means a United States district court. See section 451 of title 28, United States Code. The words “have jurisdiction” are substituted for “are vested with jurisdiction”. The words “heretofore or hereafter” following “order” are omitted as unnecessary and any existing rights and liabilities are preserved by technical sections 7 and 8.

28 U.S.C. § 2352

Derivation: United States Code
5 U.S.C. 1041

Revised Statutes and Statutes at Large
Dec. 29, 1950, ch. 1189, § 11, 64 Stat.
1132.

SECTION 5 OF THE BILL

Section 5 amends title 37, United States Code, by adding a new chapter which codifies the Missing Persons Act, as amended (50 App. U.S.C. 1001 et seq.), as applicable to members of the uniformed services and their dependents. [That portion applicable to civilian officers and employees and their dependents is codified in subchapter VII of chapter 55 (§ § 5561–5568) of title 5.] Throughout the revised chapter, certain general substitutions in terms and phraseology are made to conform to the definitions in, and the style of, title 37. For example: (1) “member” or “member of a uniformed service” for “person”; (2) “active duty” for “active service”; and (3) “Secretary concerned” for “head of the department concerned”.

37 U.S.C. § 551

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
551(1)	50 App. 1001	Mar. 7, 1942, ch. 166, § 1, 56 Stat. 143; July 1, 1944, ch. 371, § 1, 58 Stat. 679; Aug. 14, 1964, Pub. L. 88-428, § 1(1), (2), 78 Stat. 437.
551(2)	50 App. 1002(a) (22d through 66th words of 1st sentence, for definition purposes)	Mar. 7, 1942, ch. 166, § 2(a) (22d through 66th and 96th through 120th words of 1st sentence, for definition purposes); added July 1, 1944, ch. 371, § 2, 58 Stat. 679; Apr. 4, 1953, ch. 17, § 1(a), 67 Stat. 21; Aug. 29, 1957, Pub. L. 85-217, § 1(b) (1st par.), 71 Stat. 491; Aug. 14, 1964, Pub. L. 88-428, § 1(3)(A), 78 Stat. 437.
551(3)	50 App. 1002(a) (96th through 120th words of 1st sentence, for definition purposes)	

Only that portion of the source law which is applicable to members of the uniformed services and their dependents is codified in this section.

The words "In this chapter" are substituted for "For the purpose of this Act".

In clause (1), the words "with respect to a member of a uniformed service" are inserted for clarity. In clause (1)(A), the word "lawful" is omitted as unnecessary in view of the accepted recognition of the fact that the word "wife" means a lawful wife. In clause (1)(E), the words "Secretary concerned, or his designee" are substituted for "head of the department concerned, or subordinate designated by him" to conform to the definition in 37 U.S.C. 101(5). The definitions of "person", "active service", and "department", respectively, in 50 App. U.S.C. 1001(a)(1), (b), and (d) are omitted as unnecessary in view of the definitions of "member", "uniformed services", "active service", and "Secretary concerned", in 37 U.S.C. 101(3), (5), (20), and (23).

The definitions in clauses (2) and (3), which do not appear in, but are based on, the source law are created for legislative convenience.

37 U.S.C. § 552

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
552(a)	50 App. 1002(a) (1st sentence, less last 46 words)	Mar. 7, 1942, ch. 166, § 2(a); added July 1, 1944, ch. 371, § 2, 58 Stat. 679; Apr. 4, 1953, ch. 17, § 1(a), 67 Stat. 21; Aug. 29, 1957, Pub. L. 85-217, § 1(b) (1st par.), 71 Stat. 491; Aug. 14, 1964, Pub. L. 88-428, § 1(3), 78 Stat. 437.
	50 App. 1014 (as applicable to § 1002(a) (1st sentence))	Mar. 7, 1942, ch. 166, § 14 (as applicable to § 2(a) (1st and last sentences)), 56 Stat. 147; Apr. 4, 1953, ch. 17, § 1(e), 67 Stat. 21.
552(b)	50 App. 1002(a) (last 46 words of 1st sentence, and 2d sentence)	
552(c)	50 App. 1002(a) (3d sentence)	
552(d)	50 App. 1002(a) (last sentence)	
	50 App. 1014 (as applicable to § 1002(a) (last sentence))	
552(e)	50 App. 1006 (2d sentence, as applicable to pay and allowances)	Mar. 7, 1942, ch. 166, § 6 (2d sentence, as applicable to pay and allowances); added Dec. 24, 1942, ch. 828, § 1 (4th par.), 56 Stat. 1093; Aug. 14, 1964, Pub. L. 88-428, § 1(5)(B), 78 Stat. 437.

Only that portion of the source law which is applicable to members of the uniformed services and their dependents is codified in this section.

In subsection (a), the first 22 words are substituted for 50 App. U.S.C. 1002(a) (1st 66 words) to conform to the definitions in 37 U.S.C. 101(3), (18), (20), (22), and (23) and revised section 551(2) of this chapter. The words "pay and allowances, as defined in this chapter," are substituted for the enumeration of pay and allowances in 50 App. U.S.C. 1002(a) (1st sentence) to conform to the definition in revised section 551(3) of this chapter. The words "on active duty" are substituted for "performing full-time active duty" to conform to the definition in 37 U.S.C. 101(18).

In subsection (b), the first sentence is substituted for 50 App. U.S.C. 1002(a) (1st 21 words of 2d sentence). The words "or employment" are omitted as inapplicable to members of the uniformed services. The words "entitlement to pay and allowances under subsection (a) of this section" are substituted for "Such entitlement to pay and allowances" for clarity. The words "Notwithstanding the death of a member while in a missing status" are substituted for 50 App. U.S.C. 1002(a) (2d sentence, less 1st 21 words). The word "member" is substituted for "person" and the word "Secretary" is substituted for "department" to conform to the definitions in 37 U.S.C. 101(5) and (23).

In subsection (c), the words "A member" are substituted for "such person". The words "under subsection (a) of this section" are inserted for clarity. The words "United States" are substituted for "Government" to conform to the style of title 37.

In subsection (d), the words "A member . . . he . . . in a missing status" are substituted for "Persons", "such persons", and the

enumerated absent stata to conform to the definitions in 37 U.S.C. 101(23) and revised section 551(2) of this chapter.

In subsection (e), the words "A member in a missing status" are substituted for "a person missing under the conditions specified in section 2 of this Act" to conform to the definition in revised section 551(2) of this chapter. The words "under subsection (a) of this section" are substituted for "as provided in section 2 of this Act".

37 U.S.C. § 553

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
553(a)	50 App. 1003(1st sentence)	Mar. 7, 1942, ch. 166, § 3, 56 Stat. 144; Dec. 24, 1942, ch. 828, § 1(1st par.), 56 Stat. 1092; July 1, 1944, ch. 371, § 3, 58 Stat. 680.
553(b)	50 App. 1003(2d sentence, less provisos)	
553(c)	50 App. 1003(1st proviso of 2d sentence)	
553(d)	50 App. 1003(2d proviso of 2d sentence)	
553(e)	50 App. 1004	Mar. 7, 1942, ch. 166, § 4, 56 Stat. 144; Dec. 24, 1942, ch. 828, § 1(2d par.), 56 Stat. 1093; July 1, 1944, ch. 371, § 4, 58 Stat. 680.
553(f)	50 App. 1006(1st sentence)	Mar. 7, 1942, ch. 166, § 6(1st sentence and 2d sentence, as applicable to allotments); added Dec. 24, 1942, ch. 828, § 1(4th par.), 56 Stat. 1093; Apr. 4, 1953, ch. 17, § 1(b), 67 Stat. 21; Aug. 14, 1964, Pub. L. 88-428, § 1(5), 78 Stat. 437.
	50 App. 1014(as applicable to § 1006(1st sentence))	
553(g)	50 App. 1006(2d sentence, as applicable to allotments)	
553(h)	50 App. 1007	Mar. 7, 1942, ch. 166, § 7, 56 Stat. 145; Aug. 14, 1964, Pub. L. 88-428, § 1(6), 78 Stat. 437. Mar. 7, 1942, ch. 166, § 14(as applicable to § 6(1st sentence)), 56 Stat. 147; Apr. 4, 1953, ch. 17, § 1(e), 67 Stat. 21.

Only that portion of the source law which is applicable to members of the uniformed services and their dependents is codified in this section.

In subsection (a), the words "a member of a uniformed service . . . in a missing status . . . he . . . under section 552 of this title" are substituted for "any person . . . under section 2 of this Act . . . his absence", for clarity and to conform to the definition in revised section 551(2) of this chapter. The words "except as otherwise herein provided" are omitted as unnecessary.

In subsection (b), the words "Secretary concerned, he, or his designee," are substituted for "head of the department concerned . . . head of the department concerned, or such subordinate as he may designate" to conform to the definition in 37 U.S.C. 101(5). The word "member" is substituted for "person" to conform to the definition in 37 U.S.C. 101(23).

In subsection (c), the words "in effect" are omitted as unnecessary. The words "member in a missing status" are substituted for "absent person" to conform to the definition in revised section 551(2) of this chapter.

In subsection (d), the words "United States" are substituted for "Government" to conform to the style of title 37. The word "mem-

ber" is substituted for "person" to conform to the definition in 37 U.S.C. 101(23).

In subsection (e), the words "Secretary concerned, or his designee," are substituted for "head of the department concerned, or such subordinates as he may designate," to conform to the definition in 37 U.S.C. 101(5). The words "United States" are substituted for "Government" to conform to the style of title 37. The words "when he considers it" are substituted for "When circumstances are deemed to justify such action". The word "member" is substituted for "person".

In subsection (f), the words "When the Secretary concerned officially reports that a member in a missing status" are substituted for "When it is officially reported by the head of the department concerned that a person missing under the conditions specified in section 2 of this Act". The words "the payments of allotments authorized by subsections (a)-(d) of this section may, subject to section 552 of this title . . . until the date the Secretary concerned" are substituted for "the payments authorized by section 3 of this Act are, subject to the provisions of section 2 of this Act, authorized to be made for a period not to extend beyond the date of the receipt by the head of the department concerned". The words "the member" are substituted for "the missing person".

In subsection (g), the words "A member in a missing status" are substituted for "a person missing under the conditions specified in section 2 of this Act".

In subsection (h), the words "Secretary concerned" are substituted for "head of the department concerned". The words "a member on active duty" are substituted for "of persons in active service" to conform to the definitions in 37 U.S.C. 101(20) and (23). In clause (2), the words "heretofore or hereafter" are omitted as unnecessary.

37 U.S.C. § 554

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
554(a)	50 App. 1012 (14th sentence)	Mar. 7, 1942, ch. 166, § 12, 56 Stat. 146;
554(b)	50 App. 1012 (1st sentence)	Feb. 12, 1946, ch. 6, § 1(a), 60 Stat. 5; Aug. 29, 1951, ch. 356, § 1, 65 Stat. 207; Apr. 4, 1953, ch. 17, § 1(d), 67 Stat. 21; Aug. 29, 1957, Pub. L. 85-217, § 1(d), 71 Stat. 492; Aug. 14, 1964, Pub. L. 88-428, § 1(8), 78 Stat. 437.
	50 App. 1014 (as applicable to § 1012 (1st sentence))	Mar. 7, 1942, ch. 166, § 14 (as applica- ble to § 12 (1st sentence)), 56 Stat. 147; Apr. 4, 1953, ch. 17, § 1(e), 67 Stat. 21.
554(c)	50 App. 1012 (12th sentence)	
554(d)	50 App. 1012 (13th sentence)	
554(e)	50 App. 1012 (11th sentence)	
554(f)	50 App. 1012 (9th and 10th sentences)	
554(g)	50 App. 1012 (2d-4th sen- tences)	
554(h)	50 App. 1012 (5th-7th sen- tences)	
554(i)	50 App. 1012 (8th sentence)	

Only that portion of the source law which is applicable to members of the uniformed services and their dependents is codified in this section.

In subsection (a), the words "Beginning June 25, 1950, and" are omitted as executed. The words "In this section" are substituted for "for the purposes of this section only, the terms". The words "not to exceed" are omitted as unnecessary. The words "outside the United States, or in Alaska or Hawaii" are substituted for "outside the continental limits of the United States or in Alaska" to conform to the definition in 37 U.S.C. 101(1).

In subsection (b), the words "Transportation . . . may be provided" are substituted for "may be moved". The words "a member of a uniformed service on active duty . . . or absent for a period of more than 29 days in a missing status" are substituted for "any person in active service . . . absent for a period of thirty days or more in any status listed in section 2 of this Act", for clarity and to conform to the definitions in 37 U.S.C. 101(20) and (23) and revised section 551(2) of this chapter. In clause (1), the words "the member's" are substituted for "for any such person". In clause (2), the words "under . . . prescribed . . . Secretary concerned" are substituted for "in accordance with . . . issued . . . head of the department concerned". In clause (3), the words "on request of the member" are substituted for "upon the person's application". The words "other person described in clause (2)" are substituted for "such . . . other person". The words "Secretary concerned, or his designee" are substituted for "head of the department concerned or by such person as he may designate".

In subsection (c), the words "a member described in subsection (b) of this section" are substituted for "the person". The words "transportation . . . authorized by this section" are substituted for "the movement . . . provided for herein". The words "provided . . . when" are substituted for "authorized . . . in cases where".

In subsection (d), the words "requested by a dependent may be authorized under . . . only" are substituted for "No . . . shall be authorized pursuant to . . . upon application by dependents unless". The words "condition and" are omitted as unnecessary.

In subsection (e), the words "In place . . . the Secretary concerned" are substituted for "In lieu . . . the head of the department concerned". In clause (1), the words "reimbursement for" are substituted for "the payment in money of amounts equal to". The words "in lieu of transportation", the second time they appear, are omitted as unnecessary. In clause (2), the words "at the prescribed rate" are substituted for "as authorized by law".

In subsection (f), the words "Secretary concerned" are substituted for "head of the department concerned". The words "a member described in subsection (b) of this section" are substituted for "the person". The words "such time as" are omitted as unnecessary.

In subsection (g), the words "Secretary concerned" are substituted for "head of the department concerned", in 50 App. U.S.C. 1012 (2d and 4th sentences). The words "United States" are substituted for "Government"; and the words "a member described in subsection (b) of this section" are substituted for "the person", in 50 App. U.S.C. 1012 (2d sentence). The words "under . . . prescribed" are substituted for "in accordance with . . . issued", and the word "known" is substituted for "ascertainable", in 50 App. U.S.C. 1012 (4th sentence).

In subsection (h), the words “under subsection (g) of this section” are substituted for “under the authority of this section”, in 50 App. U.S.C. 1012 (5th sentence).

In subsection (i), the words “the provisions of” are omitted as unnecessary. Clause (3) is substituted for “the Federal Tort Claims Act (60 Stat. 842–847), as amended;” to reflect the correct citation of that Act.

37 U.S.C. § 555

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
555(a)	50 App. 1005 (1st and 2d sentences)	Mar. 7, 1942, ch. 166, § 5, 56 Stat. 145; Dec. 24, 1942, ch. 828, § 1 (3d par.), 56 Stat. 1093; Aug. 14, 1964, Pub. L. 88–428, § 1(4), 78 Stat. 437.
	50 App. 1014(as applicable to § 1005 (1st sentence))	Mar. 7, 1942, ch. 166, § 14 (as applicable to § 5 (1st sentence)), 56 Stat. 147; Apr. 4, 1953, ch. 17, § 1(e), 67 Stat. 21.
555(b)	50 App. 1005 (less 1st and 2d sentences)	
555(c)	50 App. 1009(b) (as applicable to § 1005)	Mar. 7, 1942, ch. 166 § 9(b) (as applicable to § 5); added Aug. 29, 1957, Pub. L. 85–217, § 1(c), 71 Stat. 492.

Only that portion of the source law which is applicable to members of the uniformed services and their dependents is codified in this section.

In subsection (a), the words “member of a uniformed service” are substituted for “person”. The words “in a mission status” and “in that status” are substituted for “absence” in three places. The words “Secretary concerned” are substituted for “head of the department concerned” in two places. In the second sentence, the words “or his designee” are supplied on authority of 50 App. U.S.C. 1009(a) which is codified in part in revised section 556(a) of this chapter. In clause (1), the words “member” and “his” are substituted for “person’s” and “person”, respectively.

In subsection (b), the words “under subsection (a) of this section” are inserted for clarity. In clause (A), the words “day on which the 12-month period in a missing status ends” are substituted for “day of expiration of an absence of twelve months”. In clause (B), the words “under subsection (a) of this section” are substituted for “as hereinbefore authorized”. The words “Secretary concerned” are substituted for “head of the department concerned.” The words “or his designee” are supplied on authority of 50 App. U.S.C. 1009(a) which is codified in part in revised section 556(a) of this chapter.

In subsection (c), the first sentence is substituted for 50 App. U.S.C. 1009(b) (1st 31 words, as applicable to § 1005). The words “Secretary concerned” are substituted for “head of the department concerned”. The words “or his designee” are supplied on authority of 50 App. U.S.C. 1009(a) which is codified in part in revised section 556(a) of this chapter. The words “departments and agencies of the United States” are substituted for “departments of the Government” in view of the definition of “department” in 50 App. U.S.C. 1001(d). The words “This subsection does not entitle” are substituted for “*Provided*, That nothing in this section shall be construed as conferring . . . any right”.

37 U.S.C. § 556

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
556(a)	50 App. 1009(a) (1st and 2d sentences)	Mar. 7, 1942, ch. 166, § 9(a) (less 5th and last sentences); added July 1, 1944, ch. 371, § 5, 58 Stat. 680; Apr. 4, 1953, ch. 17, § 1(c), 67 Stat. 21; Aug. 29, 1957, Pub. L. 85-217, § 1(c), 71 Stat. 492.
	50 App. 1010	Mar. 7, 1942, ch. 166, § 10, 56 Stat. 145; July 1, 1944, ch. 371, § 6, 58 Stat. 681; Aug. 14, 1964, Pub. L. 88-428, § 1(7), 78 Stat. 437.
556(b)	50 App. 1009(a) (3d and 4th sentences)	
556(c)	50 App. 1009(a) (6th sentence, less last proviso)	
	50 App. 1014 (as applicable to § 1009(a) (1st proviso of 6th sentence))	Mar. 7, 1942, ch. 166, § 14 (as applicable to § 9(a) (1st proviso of 6th sentence)), 56 Stat. 147; Apr. 4, 1953, ch. 17, § 1(e), 67 Stat. 21.
556(d)	50 App. 1009(a) (7th sentence)	
556(e)	50 App. 1009(a) (last proviso of 6th sentence)	
556(f)	50 App. 1009(a) (8th sentence)	
556(g)	50 App. 1009(a) (9th sentence)	
556(h)	50 App. 1009(b) (as applicable to § 1009)	Mar. 7, 1942, ch. 166, § 9(b) (as applicable to § 9); added Aug. 29, 1957, Pub. L. 85-217, § 1(c), 71 Stat. 492.

Only that portion of the source law which is applicable to members of the uniformed services and their dependents is codified in this section.

In subsection (a), the words "Secretary concerned, or his designee," are substituted for "head of the department concerned, or such subordinate as he may designate,". The words "for the purposes of this Act" are omitted as unnecessary. The words "final and" in 50 App. U.S.C. 1010 are omitted as unnecessary and for consistency with 50 App. U.S.C. 1009(a) (1st sentence). In clause (2), the words "under this chapter" are substituted for "under the provisions of this Act". In clause (4), the words "enlisted members of the armed forces" are substituted for "enlisted personnel in the Army, Navy, Air Force, Marine Corps, and Coast Guard of the United States" to conform to the definition in 37 U.S.C. 101(4). In clause (5), the words "covered by this chapter" are substituted for "dealt with by this Act". In clause (6), the words "by the Secretary concerned" are substituted for "in such department or by the head thereof". In clause (7), the word "member" is substituted for "person".

In subsection (b), the words "Secretary concerned . . . a member of a uniformed service, he shall . . . the member, act on it" are substituted for "any person . . . department concerned, action shall be taken thereon . . . such person". In the second sentence, the words "After the end of the 12-month period in a missing status" are substituted for "If the twelve months' absence . . . has expired". The words "the Secretary concerned, or his designee" are inserted for clarity. The words "a member" are substituted for "any person".

The words "missing status" are substituted for "missing or other status" in view of the definition in revised section 551(2) of this chapter. The words "is dead" are substituted for "is no longer alive" for consistency with references in this section to "death".

In subsection (c), the words "Secretary concerned, or his designee . . . may . . . a member . . . under this chapter" are substituted for "head of the department concerned, or by such subordinate as he may designate . . . are authorized to . . . any person . . . under provisions of this Act". The words "a member" are substituted for "any person". The words "captured, beleaguered, or besieged by a hostile force" are substituted for "in the hands of a hostile force" on authority of 50 App. U.S.C. 1014.

In subsection (d), the words "Secretary concerned, or his designee" are substituted for "head of the department concerned, or such subordinate as he may designate". The words "under this chapter" are substituted for "authorized to be made by this Act".

In subsection (e), the words "a member . . . allotment paid under this chapter" are substituted for "any person . . . allotments paid pursuant to this Act". The words "the member if the Secretary concerned, or his designee . . . the payment . . . the member" are substituted for "such person's . . . in any case in which . . . the head of the department concerned, or such subordinate as he may designate . . . such person".

In subsection (f), the words "may not be collected" are substituted for "shall not be subject to collection" in two places. The word "member" is substituted for "person".

In subsection (g), the words "Secretary concerned, or his designee," are substituted for "head of the department concerned, or such subordinate as he may designate,".

In subsection (h), the first sentence is substituted for 50 App. U.S.C. 1009(b) (1st 33 words, as applicable to § 1009). The words "Secretary concerned" are substituted for "head of the department concerned". The words "or his designee" are supplied on authority of 50 App. U.S.C. 1009(a) which is codified in part in revised section 556(a) of this chapter. The words "departments and agencies of the United States" are substituted for "departments of the Government" in view of the definition of "department" in 50 App. U.S.C. 1001(d). The words "This subsection does not entitle" are substituted for "*Provided*, That nothing in this section shall be construed as conferring . . . any right".

37 U.S.C. § 557

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
557(a)	50 App. 1011	Mar. 7, 1942, ch. 166, § 11, 56 Stat. 146.
557(b)	50 App. 1009(a) (5th sentence)	Mar. 7, 1942, ch. 166, § 9(a) (5th and last sentences); added July 1, 1944, ch. 371, § 5, 58 Stat. 680; Aug. 29, 1957, Pub. L. 85-217, § 1(c), 71 Stat. 492.
557(c)	50 App. 1009(a) (last sentence)	

Only that portion of the source law which is applicable to members of the uniformed services and their dependents is codified in this section.

In subsection (a), the words "Secretary concerned, or his designee," are substituted for "head of the department concerned, or such

person as he may designate.”. The words “a member of a uniformed service” are substituted for “persons”. The words “United States” are substituted for “Government”.

In subsection (c), the words “in carrying out this chapter, except section 558” are substituted for “in carrying out the provisions of this Act, except sections 13, 16, 17, and 18”, since sections 16 and 17 are scheduled for repeal (see Table II) and section 18 was previously repealed. The words “under this chapter, except section 558” are substituted for “under such provisions” for the reasons stated in the preceding sentence.

37 U.S.C. § 558

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
558	50 App. 1013	Mar. 7, 1942, ch. 166, § 13, 56 Stat. 146; Aug. 8, 1947, ch. 515, § 6, 61 Stat. 918; Aug. 14, 1964, Pub. L. 88-428, § 1(9), 78 Stat. 437.

Only that portion of the source law which is applicable to members of the uniformed services and their dependents is codified in this section.

The words “as defined in section 101(3) and (23) of title 37, United States Code” are omitted as unnecessary since the revised section is codified in title 37. The words “in a missing status” are substituted for “absent from his duty station under the conditions specified in section 2 of this Act” to conform to the definition in revised section 551(3) of this chapter and in view of the provisions of revised section 552 establishing the entitlement of a member in a missing status to receive pay and allowances or have them credited to his account. Reference to “title 26” is substituted for “Internal Revenue Code of 1954”.

SECTION 6 OF THE BILL

Section 6 amends chapter 95 of title 39, United States Code, to include a statute which was formerly included in title 5, as follows:

39 U.S.C. § 6216

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 389	Mar. 3, 1879, ch. 180, § 6, 20 Stat. 358.

SECTIONS 7 AND 8 OF THE BILL

These sections do not restate existing statutes but contain a statement of legislative purpose in enacting sections 1-6 of this Bill, savings provisions, provisions to assist in interpreting and applying the statutes enacted by this Bill, and repeal provisions.

Subsection (h) of section 7 is included at the suggestion of the Public Health Service and the Coast and Geodetic Survey. The subsection is a special savings provision that provides that sections 1-6 of the Bill apply to commissioned officers of the Public Health Service and commissioned officers of the Coast and Geodetic Survey to the same extent that the laws replaced by those sections applied to these officers immediately before the date of enactment of this Bill. The applicability of various laws, which are being codified in sections 1-6, is stated by references to civilian officers and employees, and certain of these laws have been interpreted by the Public Health Service and

the Coast and Geodetic Survey as being applicable to the commissioned officers thereof. Inasmuch as individuals who are members of the uniformed services are excluded from the terms "officer" and "employee" by reason of the definitions in sections 2104 and 2105 of title 5 as revised, this subsection will insure that no substantive changes are made with respect to the applicability of sections 1-6 to commissioned officers of the Public Health Service and commissioned officers of the Coast and Geodetic Survey.

TABLE I—LAWS INCLUDED

This table shows those sections of the Revised Statutes, Statutes at Large, Reorganization Plans, and United States Code, 1964 ed., which are repealed by this Bill and reenacted as part of this revision, and where they may be found in this revision.

TABLE I-a.—*Revised Statutes*

Revised Statutes (section)	U.S. Code, as revised		Revised Statutes (section)	U.S. Code, as revised	
	Title	Section		Title	Section
158.....	5	101	364.....	28	514
159.....	5	101	365.....	5	3106
161.....	5	301	366.....	28	515
165.....	5	7154	367.....	28	517
166.....	5	3341	369.....	28	523
169.....	5	3101	383 (1st sentence, as applicable to the Attorney General; 2d and 3d sentences).	28	521
170.....	5	5536			
177.....	5	3345	384.....	28	522
178.....	5	3346	1753 (last 16 words).....	5	7301
179.....	5	3347	1753 (less last 16 words).....	5	3301
180.....	5	3348	1757.....	5	3331
181.....	5	3349	1758.....	5	2903
182.....	5	5535	1759.....	5	2906
183.....	5	303	1760.....	5	5502
184.....	5	304	1761.....	5	5503
185.....	5	503	1764 (1st 34 words).....	5	5535
186.....	5	304	1764 (less 1st 34 words).....	5	5536
187.....	28	514	1765.....	5	5536
188.....	28	520	1766.....	5	5512
189.....	5	3106	1773.....	5	2901
195.....	5	2952	1784.....	5	7351
346 (less last 10 words).....	28	501	3679 (b) [added].....	5	3101
346 (last 10 words).....	28	503	3679 (i) (1) (words before semi- colon, as applicable to subsec- tion (b)) [added].	5	3101
347 (less last sentence).....	28	505			
347 (last sentence).....	28	508	3679 (i) (1) (words after semi- colon, as applicable to subsec- tion (b)) [added].	18	1916
348.....	28	506			
353.....	28	502	3679 (i) (2) (as applicable to sub- section (b)) [added].	5	3101
354.....	28	511			
356.....	28	512			
357.....	28	513			
359.....	28	518			
361.....	28	516			

TABLE I-b.—*Statutes at Large*

Date	Chapter	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1874 June 20	328-----	3-----	18	109	5	5536
1875 Mar. 3	131-----	14-----	18	420	5	2902
1876 Aug. 15	287-----	6-----	19	169	5	7323
1877 Feb. 27	69-----	1 (8th full par. on p. 241)-----	19	241	28	511
1879 Mar. 3	180-----	6-----	20	358	39	6216
1881 Jan. 31	32-----	2-----	21	604	5	7341
Do-----	32-----	3-----	21	604	5	7341
1882 Aug. 5	389-----	1 (last sentence under "Office of Live-Saving Service").	22	229	5	3342
Do-----	389-----	4 (297th through 316th words)-----	22	255	5	5501
Do-----	389-----	4 (less 255th through 316th words)-----	22	255	5	3103
1883 Jan. 16	27-----	1 (1st par.)-----	22	403	5	1101
Do-----	27-----	1 (2d, 3d pars.)-----	22	403	5	1102
Do-----	27-----	2(1) (function of Civil Service Commission)-----	22	403	5	1301
Do-----	27-----	2(1) (less function of Civil Service Commission).	22	403	5	3302
Do-----	27-----	2(2)1-----	22	403	5	3304
Do-----	27-----	2(2)2-----	22	404	5	3318
Do-----	27-----	2(2)3-----	22	404	5	3306
Do-----	27-----	2(2)4-----	22	404	5	3321
Do-----	27-----	2(2)5-----	22	404	5	7321
Do-----	27-----	2(2)6-----	22	404	5	7322
Do-----	27-----	2(2)7 (last 17 words)-----	22	404	5	1302
Do-----	27-----	2(2)7 (less last 17 words)-----	22	404	5	3304
Do-----	27-----	2(2)8 (last sentence)-----	22	404	5	3302
Do-----	27-----	2(2)8 (less last sentence)-----	22	404	5	2951
Do-----	27-----	2(3) (less last 10 words)-----	22	404	5	1302
Do-----	27-----	2(3) (last 10 words)-----	22	404	5	1307
Do-----	27-----	2(4)-----	22	404	5	1303
Do-----	27-----	2(5)-----	22	404	5	1308
Do-----	27-----	3 (last 24 words of 6th sentence)-----	22	404	5	3305
Do-----	27-----	3 (7th sentence)-----	22	404	5	3304
Do-----	27-----	3 (less last 24 words of 6th sentence, and less 7th sentence).	22	404	5	1105
Do-----	27-----	5-----	22	405	18	1918
Do-----	27-----	7 (less applicability to appointment and promotion).	22	406	5	2102
Do-----	27-----	7 (as applicable to appointment)-----	22	406	5	3304
Do-----	27-----	7 (as applicable to promotion)-----	22	406	5	3361
Do-----	27-----	8-----	22	406	5	7352
Do-----	27-----	9-----	22	406	5	3319
Do-----	27-----	10-----	22	406	5	3303

TABLE I-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1884 May 13	46.....	2, 3.....	23	22	5	3331
1888 Aug. 8	786.....		25	387	5	2902
1889 Feb. 9	122.....	1 (38th through 54th words).....	25	659	5	101
1890 July 11	667.....	1 (words between 3d and 4th semicolons under "Department of Justice").	26	265	28	506
Aug. 29	820.....	1 (2d sentence under "Fourth Auditor's Office")..	26	371	5	2904
1891 Feb. 6	113.....		26	733	5	3348
1893 Mar. 3	208.....	(5th par. under "Public Buildings").....	27	591	5	3108
Do.....	211.....	4.....	27	715	5	6105
1894 June 28	118.....		28	96	5	6103
1896 Mar. 28	73.....		29	75	5	2902
May 28	252.....	3.....	29	179	5	3341
1897 June 7	3.....	1 (last proviso on p. 86).....	30	86	5	5741
1898 July 1	546.....	1 (3d proviso on p. 644).....	30	644	5	5502
1899 Feb. 24	187.....	1 (14th par. on p. 864).....	30	864	5	6106
1901 Mar. 2	809.....	3.....	31	951	5	303
1903 Feb. 14	552.....	1 (83d through 99th words).....	32	825	5	101
Mar. 3	1006.....	1 (so much of 2d par. under "Department of Justice" as provides for appointment, pay, and duties of an assistant to the Attorney General).	32	1062	28	504
Do.....	1006.....	1 (so much of 2d par. under "Department of Justice" as provides for appointment, pay, and duties of an additional Assistant Attor- ney General).	32	1062	28	506
1905 Mar. 3	1422.....		33	990	5	2902
1906 June 22	3514.....	6.....	34	449	5	3342
June 30	3914.....	6.....	34	763	5	5505
Do.....	3935.....		34	816	28	515
1911 Feb. 13	43.....		36	898	5	303

TABLE I-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1912						
June 26	182	8	37	184	5	5946
Aug. 23	350	1 (last par. under "Civil Service Commission").	37	372	5	1306
Do.	350	5 (so much as relates to removal)	37	414	5	3103
Do.	350	5 (so much as relates to removal)	37	414	5	5501
Do.	350	5 (less so much as relates to removal)	37	414	18	1917
Aug. 24	389	6 (proviso)	37	555	5	7101
Do.	389	6 (last sentence)	37	555	5	7102
Do.	389	6 (less proviso, and less last sentence)	37	555	5	7501
1913						
Mar. 4	141	1 (75th through 91st words)	37	736	5	101
Do.	145	(3d full par. on p. 854)	37	854	5	5946
Oct. 22	32	1 (last par. under "Interstate Commerce Commission").	38	212	5	3107
1914						
July 16	141	1 (words between 3d and 4th semicolons under "Department of Justice").	38	497	28	506
Aug. 1	223	12	38	680	5	5535
1915						
Mar. 4	141	1 (words between 3d and 4th semicolons under "Department of Justice").	38	1038	28	506
1916						
Apr. 27	89	1	39	54	5	501
July 28	261	1 (6th par. on p. 413)	39	413	28	543
Sept. 7	458	1	39	742	5	8102
Do.	458	2	39	743	5	8117
Do.	458	3	39	743	5	8105
Do.	458	4	39	743	5	8106
Do.	458	5	39	743	5	8107
Do.	458	6	39	743	5	8110
Do.	458	7	39	743	5	8116
Do.	458	8	39	743	5	8118
Do.	458	9	39	743	5	8103
Do.	458	10(B) (last 15 words of 1st sentence), (H)	39	744, 745	5	8101
Do.	458	10(L)	39	745	18	1922
Do.	458	10 (less last 15 words of 1st sentence in (B); and less (H) and (L))	39	744	5	8133
Do.	458	11	39	745	5	8134
Do.	458	12	39	746	5	8114
Do.	458	13	39	746	5	8115
Do.	458	14	39	746	5	8135
Do.	458	15	39	746	5	8119
Do.	458	16	39	746	5	8119
Do.	458	17	39	746	5	8119
Do.	458	18	39	746	5	8121
Do.	458	19	39	746	5	8121
Do.	458	20	39	747	5	8122
Do.	458	21	39	747	5	8123
Do.	458	22	39	747	5	8123
Do.	458	23	39	747	5	8123
Do.	458	24	39	747	5	8120
Do.	458	25	39	747	5	8130
Do.	458	26	39	747	5	8131
Do.	458	27	39	747	5	8132
Do.	458	28	39	748	5	8145
Do.	458	28a	39	748	5	8120
Do.	458	29	39	748	5	8122

TABLE I-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1916						
Sept. 7	458	30	39	748	5	8145
Do	458	32 (last 9 words)	39	749	5	8145
Do	458	32 (less last 9 words)	39	749	5	8149
Do	458	33	39	749	5	8148
Do	458	35	39	749	5	8147
Do	458	36	39	749	5	8124
Do	458	37	39	749	5	8128
Do	458	38	39	749	5	8129
Do	458	39	39	749	18	1921
Do	458	40	39	750	5	8101
Do	458	41	39	750	5	8131
Do	458	42 (2d sentence of 2d par.)	39	750	5	8138
Do	458	42 (less 2d sentence of 2d par.)	39	750	5	8146
1917						
May 12	12	(3d proviso on p. 72)	40	72	5	3101
1919						
July 11	7	11 (1st sentence)	41	104	5	8101
Do	7	11 (less 1st sentence)	41	104	5	8139
1922						
June 13	219		42	650	5	8122
1924						
June 5	261	1	43	389	5	8128
Do	261	2	43	389	5	8101
1926						
June 26	695	1	44	772	5	8103
Do	695	2	44	772	5	8123
Do	695	3	44	772	5	8123
July 3	752		44	830	5	2903
Dec. 11	4	1	44	918	5	3332
Do	4	2	44	919	5	5507
1927						
Feb. 12	110	1	44	1086	5	8110
Do	110	2	44	1087	5	8101
Do	110	3	44	1087	5	8133
Do	110	4	44	1087	5	8134
Mar. 2	284		44	1346	5	3332
1928						
May 29	901	2	45	996	5	2954
1930						
Apr. 17	174		46	170	28	515
Apr. 23	209	1	46	253	5	8301
June 11	455		46	554	28	534
June 26	618		46	817	5	3101
Do	622		46	818	5	5912
1931						
Feb. 24	287		46	1415	5	5511
1932						
June 30	314	204	47	404	5	3323
Do	314	209	47	405	5	5727

TABLE I-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1933						
Mar. 3	212	10	47	1516	5	5731
June 16	101	16(b)	48	308	28	506
1934						
Mar. 26	87		48	466	5	5943
Mar. 28	102	23 (proviso)	48	522	5	5544
June 27	850	2	48	1267	5	7341
1936						
May 13	382		49	1270	5	8110
May 26	452		49	1374	5	5513
1937						
July 26	522		50	533	5	7152
Aug. 14	624		50	640	5	2905
Do	627		50	641	5	5943
1938						
Apr. 6	79	"Sec. 42 (less 2d sentence of 2d par.)"	52	200	5	8146
Do	79	"Sec. 42 (2d sentence of 2d par.)"	52	201	5	8138
May 13	210		52	351	5	6103
May 28	289	811	52	577	5	5731
May 31	293		52	586	5	8101
June 20	535	5	52	805	5	3323
June 29	818	1	52	1246	5	6104
1939						
Apr. 12	59	4	53	575	4	111
July 15	286		53	1043	5	5944
Aug. 2	410	9(a)	53	1148	5	7324
Do	410	9(b)	53	1148	5	7325
Aug. 5	448	2	53	1210	5	2105
1940						
Apr. 4	75	2 (3d sentence)	54	81	5	5109
Apr. 11	79	1	54	105	5	8101
Apr. 30	172		54	174	5	5727
June 29	446	1	54	689	5	6322
Do	446	2	54	689	5	5537
Do	446	3	54	689	5	5515
July 8	551	1	54	743	5	5742
Do	551	2	54	744	5	5742
July 11	580		54	751	5	5503
July 19	640	2	54	767	5	7324
Do	640	4 "Sec. 12(a) (1st 41 words)"	54	767	5	1501
Do	640	4 "Sec. 12(a) (less 1st 41 words)"	54	767	5	1502
Do	640	4 "Sec. 12(b) (1st and 2d sentences, and 4th through 17th words of 3d sentence)"	54	768	5	1504
Do	640	4 "Sec. 12(b) (3d sentence, less 4th through 17th words, and 4th sentence)"	54	768	5	1505
Do	640	4 "Sec. 12(b) (less 1st 4 sentences)"	54	768	5	1506
Do	640	4 "Sec. 12(c)"	54	768	5	1508
Do	640	4 "Sec. 12(d) (1st sentence)"	54	769	5	1302
Do	640	4 "Sec. 12(d) (less 1st sentence)"	54	769	5	1507
Do	640	4 "Sec. 12(e), (f)"	54	770	5	1501
Do	640	4 "Sec. 14"	54	771	5	7324
Do	640	4 "Sec. 15 (as applicable to § 12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, § 4, 54 Stat. 767)"	54	771	5	1501

TABLE I-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1940						
July 19	640-----	4 "Sec. 15 (less applicability to § 12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, § 4, 54 Stat. 767)".	54	771	5	7324
Do....	640-----	4 "Sec. 16"-----	54	771	5	7327
Do....	640-----	4 "Sec. 18 (as applicable to § 12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, § 4, 54 Stat. 767)".	54	772	5	1503
Do....	640-----	4 "Sec. 18 (less applicability to § 12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, § 4, 54 Stat. 767)".	54	772	5	7326
Do....	640-----	4 "Sec. 19"-----	54	772	5	1501
Nov. 26	919-----	2(b)-----	54	1212	5	3304
1941						
Aug. 1	348-----		55	616	5	5552
Dec. 26	631-----		55	862	5	6103
1942						
Mar. 7	166-----	*1-----	56	143	5	5561
Do....	166-----	*2(a) (3d through 66th and 96th through 120th words of 1st sentence, and 1st 28 words of 3d sentence, for definition purposes) [added].			37	551
Do....	166-----	*2(a) (22d through 66th and 96th through 120th words of 1st sentence, for definition purposes) [added].			5	5561
Do....	166-----	*2(a) (1st 2 sentences and 3d sentence, less 1st 28 words) [added].			37	551
Do....	166-----	*2(a) [added].			5	5562
Do....	166-----	*3-----	56	144	37	552
Do....	166-----	*4-----	56	144	5	5563
Do....	166-----	*5-----	56	145	37	553
Do....	166-----	*6 (1st sentence and 2d sentence, as applicable to allotments) [added].			5	5565
Do....	166-----	*6 (2d sentence, as applicable to pay and allowances) [added].			37	555
Do....	166-----	*7-----	56	145	5	5563
Do....	166-----	8-----	56	145	37	553
Do....	166-----	*9(a) (less 5th and last sentences) [added].			18	1924
Do....	166-----	*9(a) (5th and last sentences) [added].			5	5566
Do....	166-----	*9(b) (as applicable to § 5) [added].			37	556
Do....	166-----	*9(b) (as applicable to § 9) [added].			5	5567
Do....	166-----	*10-----	56	145	37	557
Do....	166-----	*11-----	56	146	5	5566
Do....	166-----	*12-----	56	146	37	556
					5	5564
					37	554

*Applicability to civilian officers and employees and their dependents is codified in title 5. Applicability to members of the uniformed services and their dependents is codified in title 37.

TABLE I-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1942						
Mar. 7	166	*13	56	146	5	5568
Do	166	*14 (as applicable to § 2(a) (1st sentence))	56	147	37 5	558 5561, 5562
Do	166	*14 (as applicable to § 2(a) (1st and last sentences)).	56	147	37	552
Do	166	*14 (as applicable to § 5 (1st sentence))	56	147	5 37	5565 555
Do	166	*14 (as applicable to § 6 (1st sentence))	56	147	5 37	5563 553
Do	166	*14 (as applicable to § 9(a) (1st proviso of 6th sentence)).	56	147	5 37	5566 556
Do	166	*14 (as applicable to § 12 (1st sentence))	56	147	5 37	5564 554
Mar. 27	199	701	56	181	5	7324
Apr. 7	220		56	200	5	5552
July 29	533	(2d sentence)	56	725	5	8136
Do	533	(less 2d sentence)	56	725	5	8138
Oct. 24	620	"Sec. 21 (as applicable to § 12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, § 4, 54 Stat. 767)".	56	986	5	1501
Do	620	"Sec. 21 (less applicability to § 12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, § 4, 54 Stat. 767)".	56	986	5	7324
Dec. 24	828	*1 (1st par.)	56	1092	5 37	5563 553
Do	828	*1 (2d par.)	56	1093	5 37	5563 553
Do	828	*1 (3d par.)	56	1093	5 37	5565 555
Do	828	*1 (4th par.)	56	1093	5 37	5562, 5563 552, 553
1943						
Mar. 2	7		57	4	28	506
June 26	145	206 (1st 9 words after last comma)	57	196	5	2904
Do	145	206 (less 1st 9 words after last comma)	57	196	5	2903
Nov. 22	303		57	591	5	2905
1944						
June 27	287	2 (1st 76 words)	58	387	5	1302
Do	287	2 (less 1st 76 words)	58	387	5	2108
Do	287	3 (proviso)	58	388	5	3310
Do	287	3 (less proviso)	58	388	5	3309
Do	287	4	58	388	5	3311
Do	287	5 (1st 2 sentences, so much as relates to transfer).	58	388	5	3351
Do	287	5 (1st 2 sentences, so much as relates to promotion).	58	388	5	3363
Do	287	5 (1st 2 sentences, so much as relates to retention).	58	388	5	3504
Do	287	5 (1st 2 sentences, less so much as relates to promotion, retention, and transfer).	58	388	5	3312
Do	287	5 (less 1st 2 sentences)	58	388	5	3308
Do	287	6 (so much as relates to apportionment)	58	389	5	3306
Do	287	6 (less so much as relates to apportionment)	58	389	5	3319

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TABLE I-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1944						
June 27	287	7	58	389	5	3313
Do	287	8 (1st sentence and 2d proviso)	58	389	5	3317
Do	287	8 (less 1st sentence, 2d proviso, and last sentence).	58	389	5	3318
Do	287	8 (last sentence)	58	389	5	3364
Do	287	9	58	389	5	3320
Do	287	10	58	390	5	3305
Do	287	11	58	390	5	1302
Do	287	12(a) (3d proviso) [added]			5	3503
Do	287	12(a) (less 3d proviso) [added]			5	3502
Do	287	12(b) [added]			5	3501
Do	287	12(c) [added]			5	3502
Do	287	13	58	390	5	3316
Do	287	14 (1st 168 words)	58	390	5	7512
Do	287	14 (less 1st 168 words, and less 2d proviso)	58	390	5	7701
Do	287	14 (2d proviso)	58	391	5	3315
Do	287	15 (1st sentence)	58	391	5	3315
Do	287	15 (less 1st sentence)	58	391	5	3318
Do	287	16	58	391	5	3314
Do	287	19	58	391	5	1302
Do	287	20	58	391	5	3320
July 1	371	*1	58	679	5	5561
Do	371	*2	58	679	37	551
					5	5561,
						5562
					37	551,
						552
Do	371	*3	58	680	5	5563
					37	553
Do	371	*4	58	680	5	5563
					37	553
Do	371	*5	58	680	5	5566,
						5567
					37	556,
						557
Do	371	*6	58	681	5	5566
					37	556
Do	373	605(a)	58	712	5	8116
Do	373	605(b)	58	712	5	8101
Sept. 21	412	709	58	743	5	3101
Dec. 21	632	1 (1st proviso and so much of last sentence as precedes 2d proviso).	58	845	5	6306
Do	632	1 (less 1st proviso, and less so much of last sentence as precedes 2d proviso).	58	845	5	5551
Dec. 22	664		58	887	5	7902
1945						
June 30	212	101(a), (d), (e)	59	295, 296	5	5541
Do	212	102 (less clause (1) and last sentence of (a))	59	296	5	5541
Do	212	201	59	296	5	5542
Do	212	202	59	297	5	5543
Do	212	203	59	297	5	5544
Do	212	301	59	298	5	5545
Do	212	302	59	298	5	5546
Do	212	503 (as applicable to § 23 of the Act of Mar. 28, 1934, ch. 102, 48 Stat. 522, as amended).	59	301	5	5544

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TABLE I-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1945						
June 30	212	601	59	302	5	5549
Do	212	603	59	302	5	5547
Do	212	604(a), (e) (less last 27 words)	59	303, 304	5	6101
Do	212	604(b), (d), (e) (last 27 words)	59	303, 304	5	5504
Do	212	604(c) (2d sentence)	59	303	5	5505
Do	212	605	59	304	5	5548
Do	212	606	59	304	5	5342
Do	212	609	59	306	5	5509
July 28	328	1	59	503	5	8122
Do	328	2 (last 24 words)	59	503	5	8134
Do	328	2 (less last 24 words)	59	503	5	8133
Do	328	3	59	503	5	8133
Do	328	4 (penultimate sentence)	59	504	5	8128
Do	328	4 (less penultimate sentence)	59	503	5	8137
Dec. 3	510	2	59	590	5	2105
Dec. 28	593	2	59	660	5	2105
Do	594	2	59	660	5	2105
1946						
Feb. 12	3		60	3	5	3304
Do	6	*1(a)	60	5	5	5564
					37	554
May 24	270	7(a)	60	218	5	5547
Do	270	8(a)	60	218	5	5541
Do	270	8(b)	60	218	5	5342
Do	270	9	60	218	5	5543
Do	270	10	60	218	5	5545
Do	270	11	60	218	5	5546
June 11	324	2	60	237	5	551
Do	324	3	60	238	5	552
Do	324	4	60	238	5	553
Do	324	5	60	239	5	554
Do	324	6	60	240	5	555
Do	324	7	60	241	5	556
Do	324	8	60	242	5	557
Do	324	9	60	242	5	558
Do	324	10 (introductory clause)	60	243	5	701
Do	324	10(a)	60	243	5	702
Do	324	10(b)	60	243	5	703
Do	324	10(c)	60	243	5	704
Do	324	10(d)	60	243	5	705
Do	324	10(e)	60	243	5	706
Do	324	11 (1st sentence)	60	244	5	3105
Do	324	11 (2d sentence)	60	244	5	7521
Do	324	11 (3d sentence)	60	244	5	5362
Do	324	11 (4th sentence)	60	244	5	3344
Do	324	11 (5th sentence)	60	244	5	1305
Do	324	12	60	244	5	559
July 26	675	2 (last proviso)	60	704	5	2105
Aug. 2	744	1 (a), (b)	60	806	5	5724
Do	744	1(c)	60	807	5	5730
Do	744	5	60	808	5	5703
Do	744	6	60	808	5	5731
Do	744	7	60	808	5	5722
Do	744	10	60	809	5	503
Do	744	12	60	809	5	302
Do	744	13	60	809	5	7903

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TABLE I-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1946						
Aug. 2	744	15	60	810	5	3109
Do.	744	22 [added]			5	5913
Aug. 8	865		60	903	5	7901
Do.	870	302	60	918	5	551
Do.	904		60	937	5	7327
Aug. 10	951	601	60	993	5	551
Aug. 13	957	1131(64)	60	1040	5	5727
Do.	958	*5	60	1049	5	8101, 8116
1947						
Mar. 31	30	6(a)	61	37	5	551
May 16	70	1	61	96	5	5561
June 30	163	210	61	201	5	551
Aug. 4	447		61	723	5	7701
Do.	452	1	61	727	5	5541
Do.	452	2	61	727	5	5351
Do.	452	3 (1st sentence)	61	727	5	5352
Do.	452	3 (less 1st sentence)	61	727	5	5353
Do.	452	4	61	727	5	8144
Do.	452	5 (1st 27 words)	61	728	5	8331
Do.	452	5 (less 1st 27 words)	61	728	5	8332
Do.	452	6	61	728	5	5354
Do.	452	8	61	728	5	5355
Do.	452	9	61	728	5	5356
Aug. 8	515	**6	61	918	5	5568
					37	558
1948						
Jan. 19	1	1	62	3	5	2108
Do.	1	2	62	3	5	3309
Do.	1	3	62	3	5	3305
Mar. 30	161	301	62	99	5	551
Apr. 20	219	207	62	194	5	5941
June 10	434		62	351	5	7153
Do.	447	"Sec. 6(a)"	62	354	5	7501
Do.	447	"Sec. 6(b)(1)"	62	355	5	5591
Do.	447	"Sec. 6(b)(2)"	62	355	5	5592
Do.	447	"Sec. 6(b)(3)"	62	355	5	5593
Do.	447	"Sec. 6(c)"	62	356	5	7101
Do.	447	"Sec. 6(d)"	62	356	5	7102
June 22	604		62	575	5	7701
June 25	646	3	62	985	28	515
June 30	775	104	62	1205	5	5941
July 2	816		62	1233	5	2108
July 3	830	303(a)	62	1268	5	5547
1949						
May 24	139	71	63	100	28	547
Do.	139	72	63	100	28	563
June 9	185	2	63	166	5	5701
Do.	185	3	63	166	5	5702
Do.	185	4	63	166	5	5704
Do.	185	5	63	166	5	5705
Do.	185	6	63	167	5	5706
Do.	185	7	63	167	5	5707
Do.	185	8	63	167	5	5708
Do.	185	9	63	167	5	5708

* This statute is not scheduled for repeal.

** Applicability to civilian officers and employees and their dependents is codified in title 5. Applicability to members of the uniformed services and their dependents is codified in title 37.

TABLE I-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1949						
Aug. 10	412.....	4 "Sec. 201(c)".....	63	579	5	101
Aug. 16	441.....		63	608	5	6321
Aug. 26	513.....		63	666	5	2108
Sept. 7	538.....	2.....	63	690	5	5506
Oct. 14	691.....	101(a).....	63	854	5	8117
Do.....	691.....	101(b).....	63	854	5	8118
Do.....	691.....	102.....	63	855	5	8105
Do.....	691.....	103(a).....	63	855	5	8106
Do.....	691.....	103(b).....	63	855	18	1921
Do.....	691.....	104 "Sec. 5 (a), (b)".....	63	855	5	8107
Do.....	691.....	104 "Sec. 5(c)".....	63	857	5	8108
Do.....	691.....	104 "Sec. 5(d)".....	63	857	5	8109
Do.....	691.....	105 "Sec. 6(a)".....	63	858	5	8110
Do.....	691.....	105 "Sec. 6(b)".....	63	858	5	8111
Do.....	691.....	105 "Sec. 6(c)".....	63	859	5	8112
Do.....	691.....	105 "Sec. 6(d)".....	63	859	5	8113
Do.....	691.....	106(c) "(B) (last 23 words of 1st sentence)".....	63	859	5	8101
Do.....	691.....	106(e).....	63	860	18	1922
Do.....	691.....	106 (less last 23 words of 1st sentence in "(B)" of (c); and less (e)).	63	859	5	8133
Do.....	691.....	107.....	63	860	5	8134
Do.....	691.....	108.....	63	860	5	8101
Do.....	691.....	201.....	63	861	5	8116
Do.....	691.....	202(a).....	63	862	5	8104
Do.....	691.....	202(b).....	63	862	5	8103
Do.....	691.....	203.....	63	862	5	8114
Do.....	691.....	204.....	63	864	5	8115
Do.....	691.....	205 (a), (c)(1).....	63	864	5	8145
Do.....	691.....	205(b).....	63	864	5	8120
Do.....	691.....	205(c)(2).....	63	864	5	8126
Do.....	691.....	206.....	63	864	5	8129
Do.....	691.....	208 "Sec. 23(a)".....	63	865	5	8123
Do.....	691.....	208 "Sec. 23(b) (less last sentence)".....	63	865	5	8127
Do.....	691.....	208 "Sec. 23(b) (last sentence)".....	63	865	18	292
Do.....	691.....	208 "Sec. 23(c)".....	63	865	5	8125
Do.....	691.....	209.....	63	865	5	7902
Do.....	691.....	305(b).....	63	868	5	8150
Oct. 28	778.....	1.....	63	950	5	3306
Do.....	782.....	101.....	63	954	5	5101
Do.....	782.....	201.....	63	954	5	5102
Do.....	782.....	202(1)-(6), (7) (less last 25 words), (8) (less last 31 words), (9)-(31).	63	954	5	5102
Do.....	782.....	202(7) (last 25 words).....	63	955	5	5341
Do.....	782.....	202(8) (last 31 words).....	63	955	5	5342
Do.....	782.....	203.....	63	956	5	5103
Do.....	782.....	204(b).....	63	957	5	5102
Do.....	782.....	204(c).....	63	957	5	5103
Do.....	782.....	205.....	63	957	5	305
Do.....	782.....	301.....	63	957	5	5102
Do.....	782.....	302.....	63	957	5	5106
Do.....	782.....	303.....	63	957	5	5106
Do.....	782.....	401.....	63	957	5	5105
Do.....	782.....	501.....	63	958	5	5112
Do.....	782.....	502(a).....	63	958	5	5107
Do.....	782.....	502(b).....	63	958	5	5110
Do.....	782.....	503.....	63	958	5	5110
Do.....	782.....	504.....	63	959	5	5111
Do.....	782.....	505.....	63	959	5	5108

TABLE I-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1949						
Oct. 28	782	506	63	959	5	5113
Do	782	601	63	959	5	5104
Do	782	602	63	959	5	5104
Do	782	603	63	965	5	5332
Do	782	801	63	969	5	5333
Do	782	802	63	969	5	5334
Do	782	803	63	970	5	5333
Do	782	1001	63	971	5	305
Do	782	1101	63	971	5	5115
Do	782	1103	63	972	5	7154
Do	782	1107	63	972	5	5509
Do	782	1203	63	973	5	5504
1950						
Apr. 26	108		64	89	5	5702
June 14	238		64	213	5	3306
July 28	503	1	64	380	28	524
Do	503	2	64	380	28	568
Do	503	3	64	380	28	525
Do	503	4	64	380	28	526
Do	503	5 (last sentence)	64	380	28	536
Do	503	5 (less last sentence)	64	380	28	537
Do	503	7	64	381	18	4010
Do	503	8	64	381	18	4011
Aug. 3	515		64	393	5	5513
Do	518	1	64	395	5	5582
Do	518	2	64	396	5	5581
Do	518	3	64	396	5	5583
Do	518	4	64	396	5	5581
Do	518	5	64	396	5	5582
Do	518	7	64	396	5	5581
Aug. 25	784	1 "Sec. 9(b) (less last proviso, and less last sentence)".	64	475	5	7325
Do	784	1 "Sec. 9(c)".	64	475	5	1308
Aug. 26	803	1 (less 3d-5th provisos)	64	476	5	7532
Do	803	1 (1st 31 words of 3d proviso)	64	477	5	3571
Do	803	1 (3d proviso, less 1st 31 words)	64	477	5	5594
Do	803	1 (4th and 5th provisos)	64	477	5	7312
Do	803	2	64	477	5	7533
Do	803	3	64	477	5	7531
Sept. 6	896	1211 (2d par.)	64	765	5	3101
Do	896	1211 (words before semicolon of 15th par., as applicable to 2d par.)	64	768	5	3101
Do	896	1211 (words after semicolon of 15th par., as applicable to 2d par.)	64	768	18	1916
Do	896	1211 (16th par., as applicable to 2d par.)	64	768	5	3101
Sept. 12	946	301(87)	64	843	5	5943
Do	946	301(92)	64	844	5	8147
Sept. 23	1010	1(a), (b)	64	985	5	5724
Do	1010	1(c)	64	985	5	5725
Do	1010	2	64	985	5	5722
Do	1010	3(b)	64	986	5	5724
Do	1010	7	64	986	5	3103
Do	1010	8	64	986	5	7901
Do	1010	10	64	987	5	3332
Sept. 30	1123	2	64	1098	5	4301
Do	1123	3	64	1098	5	4302
Do	1123	4	64	1098	5	4307

TABLE I-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1950						
Sept. 30	1123	5	64	1098	5	4303
Do.	1123	6	64	1099	5	4304
Do.	1123	7	64	1099	5	4305
Do.	1123	8(a)	64	1099	5	4308
Do.	1123	8 (less (a))	64	1099	5	4306
Do.	1123	13	64	1100	5	5509
Dec. 27	1151	1	64	1117	5	2108
Do.	1151	2(a)	64	1117	5	3309
Do.	1151	2(b)	64	1117	5	3305
Dec. 29	1189	1	64	1129	28	2341
Do.	1189	2	64	1129	28	2342
Do.	1189	3	64	1130	28	2343
Do.	1189	4	64	1130	28	2344
Do.	1189	5	64	1130	28	2345
Do.	1189	6	64	1130	28	2346
Do.	1189	7	64	1130	28	2347
Do.	1189	8	64	1131	28	2348
Do.	1189	9	64	1131	28	2349
Do.	1189	10	64	1132	28	2350
Do.	1189	11	64	1132	28	2352
Do.	1189	12	64	1132	28	2351
1951						
Aug. 29	356	*1	65	207	5	5564
					37	554
Oct. 24	554	1(a)	65	612	5	5332
Oct. 30	631	202	65	679	5	6301
Do.	631	203(a), (b), (e), (i)	65	679-681	5	6303
Do.	631	203(c), (d)	65	680	5	6304
Do.	631	203(f)	65	680	5	6305
Do.	631	203(g)	65	681	5	6310
Do.	631	203(h)	65	681	5	6302
Do.	631	204	65	681	5	6307
Do.	631	205(d)	65	681	5	6309
Do.	631	205 (less (d))	65	681	5	6302
Do.	631	206	65	681	5	6311
Do.	631	208(a)	65	682	5	6304
1952						
Apr. 5	159	1 (provisos)	66	44	5	1304
Do.	159	3	66	44	5	1304
Do.	159	4	66	44	5	1304
June 5	369	701 (par. under "Civil Service Commission")	66	107	5	1304
June 19	444	1	66	138	5	2105
Do.	444	2	66	139	5	8171
June 24	456		66	155	5	3304
July 14	728	1	66	626	5	2108
Do.	728	2	66	627	5	3309
July 17	932	1	66	758	5	6321
Do.	940		66	765	5	5517

*Applicability to civilian officers and employees and their dependents is codified in title 5. Applicability to members of the uniformed services and their dependents is codified in title 37.

TABLE I-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1953						
Apr. 4	17	*1(a)	67	21	5	5561, 5562 37 551, 552
Do	17	*1(b)	67	21	5	5563 37 553
Do	17	*1(c)	67	21	5	5566 37 556
Do	17	*1(d)	67	21	5	5564 37 554
Do	17	*1(e)	67	21	5	5561, 5562, 5563, 5564, 5565, 5566 37 552, 553, 554, 555, 556
July 2	178	1 "(c) (1) (last sentence)"	67	136	5	5508
Do	178	1 "(c) (1) (less last sentence)"	67	136	5	6301
Do	178	1 "(c) (2)"	67	136	5	6305
Do	178	2(a)	67	136	5	5551
Do	178	2(b)	67	137	5	6302
Do	178	3(a), (b)	67	137	5	6304
Do	178	3(c)	67	137	5	6304
Do	178	4(a) (1st and 5th sentences)	67	137	5	5551
Do	178	4(a) (2d-4th sentences)	67	137	5	6306
Do	178	4(b)	67	138	5	6308
Do	178	5	67	138	5	5581
July 31	283	9	67	241	5	1304
Aug. 5	328	202 (1st and 2d provisos, as applicable to special assistants and special attorneys).	67	375	28	515
Aug. 14	485	1(a) "Sec. 3 (1st sentence)"	67	581	5	3309
Do	485	1(a) "Sec. 3 (2d sentence)"	67	581	5	3310
Do	485	1(b)	67	581	5	3313
Do	485	2	67	582	5	3318
1954						
Apr. 30	177	1	68	64	5	5583
Do	177	2	68	65	5	5581
June 1	250		68	168	5	6103
June 4	264	4	68	176	5	5732
June 11	283		68	249	5	6104
July 2	456	202 (as applicable to special assistants and special attorneys).	68	421	28	515
July 15	507	7(b)	68	479	5	5742
Do	509	1, 2, 4	68	482, 483	5	5514
Aug. 17	752	2(a) (words between 6th and 7th commas of 1st sentence, and 2d sentence).	68	736	5	8716
Do	752	2(a) (1st sentence, less words between 6th and 7th commas), (b).	68	736	5	8701
Do	752	3 (less (d))	68	737	5	8704
Do	752	4	68	738	5	8705

*Applicability to civilian officers and employees and their dependents is codified in title 5. Applicability to members of the uniformed services and their dependents is codified in title 37.

TABLE I-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1954						
Aug. 17	752	5(a) (1st par.)	68	738	5	8707
Do	752	5(a) (less 1st par.)	68	738	5	8702
Do	752	5(b)	68	738	5	8708
Do	752	5(c) (less applicability to § 10)	68	739	5	8711
Do	752	6	68	739	5	8706
Do	752	7(c)–(e)	68	739	5	8710
Do	752	7 (less (c)–(e))	68	739	5	8709
Do	752	8(d)	68	741	5	8712
Do	752	8 (less (d))	68	740	5	8711
Do	752	9	68	742	5	8703
Do	752	11 (less applicability to § 10)	68	742	5	8716
Do	752	12 (less applicability to § 10)	68	742	5	8713
Do	752	13 (less applicability to § 10)	68	743	5	1308
Do	752	14 (less applicability to § 10)	68	743	5	8715
Aug. 30	1073	2(a)	68	961	28	2341
Do	1073	2(b)	68	961	28	2342
Aug. 31	1143	1	68	998	28	535
Do	1155	(1st proviso)	68	1008	5	5728
Do	1155	(less 1st proviso)	68	1008	5	5729
Sept. 1	1208	101(a)	68	1105	5	5108
Do	1208	104	68	1106	5	5333
Do	1208	105(a) “(7) (provisos)”	68	1106	5	5341
Do	1208	105(a) “(7) (less provisos)”	68	1106	5	5102
Do	1208	105(b)	68	1106	5	5103
Do	1208	107	68	1108	5	5104
Do	1208	108	68	1108	5	5104
Do	1208	109	68	1108	5	5332
Do	1208	112 (as applicable to § 802(b))	68	1108	5	5334
Do	1208	113	68	1108	5	5115
Do	1208	202(a)	68	1109	5	5541
Do	1208	203	68	1109	5	5542
Do	1208	204	68	1109	5	5543
Do	1208	205(a)	68	1109	5	5544
Do	1208	205(b)	68	1110	5	5542
Do	1208	206	68	1110	5	5545
Do	1208	207	68	1110	5	5546
Do	1208	208(a)	68	1111	5	5545
Do	1208	209	68	1112	5	5547
Do	1208	210	68	1112	5	6101
Do	1208	302 (1st 29 words)	68	1112	5	4506
Do	1208	302 (less 1st 29 words)	68	1112	5	1308
Do	1208	303	68	1113	5	4501
Do	1208	304(a)	68	1113	5	4503
Do	1208	304(b)	68	1113	5	4504
Do	1208	304(c)	68	1113	5	4505
Do	1208	304(d), (e), (g)	68	1113	5	4502
Do	1208	304(f)	68	1113	5	3362
Do	1208	402	68	1114	5	5901
Do	1208	403 (as applicable to the Civil Service Retirement Act, as amended).	68	1115	5	8331
Do	1208	403 (less applicability to the Civil Service Retirement Act, as amended).	68	1115	5	5901
Do	1208	404	68	1115	5	5901
Do	1208	501	68	1115	5	5581
Do	1208	601(a)	68	1115	5	4301
Do	1208	603	68	1116	5	8701
Do	1212	4(a) “Sec. 1501”	68	1130	5	8501
Do	1212	4(a) “Sec. 1502”	68	1131	5	8502

TABLE I-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1954						
Sept. 1	1212	4(a) "Sec. 1503"	68	1132	5	8503
Do	1212	4(a) "Sec. 1504"	68	1133	5	8504
Do	1212	4(a) "Sec. 1506"	68	1133	5	8505
Do	1212	4(a) "Sec. 1507"	68	1134	5	8506
Do	1212	4(a) "Sec. 1508(a)"	68	1135	18	1920
Do	1212	4(a) "Sec. 1508(b)"	68	1135	5	8507
Do	1212	4(a) "Sec. 1509"	68	1135	5	8508
Do	1212	4(a) "Sec. 1510"	68	1135	5	5509
Sept. 3	1263	7	68	1228	5	5536
Do	1263	11	68	1229	28	516
1955						
Mar. 2	9	2(a)	69	10	28	548
Mar. 28	17		69	14	5	2905
May 13	40		69	49	5	5901
June 28	189	2(a)	69	172	5	5332
Do	189	4(i)	69	178	5	8331
Do	189	12(a)	69	179	5	5108
July 7	279	201 (2d proviso on p. 273)	69	273	5	5108
July 28	424	1	69	393	5	5702
Do	424	2	69	394	5	5703
Do	424	4	69	394	5	5704
Aug. 4	550		69	492	28	567
Aug. 5	568	101 (4th par. under "Administrative Provisions").	69	513	5	8708
Aug. 9	690	1	69	624	5	7311
Do	690	2	69	624	5	3333
Do	690	3	69	625	18	1919
Aug. 11	794	1(a) "(c) (less applicability to § 10)", (b)	69	676	5	8714
Do	794	2(a)	69	677	5	8706
Do	794	3	69	677	5	8710
1956						
Mar. 31	154	11 "(k)"	70	77	5	5516
May 28	328	1	70	213	5	8706
June 15	390		70	283	5	5518
June 18	402		70	291	5	5337
June 27	452	302 (proviso)	70	355	5	3322
Do	452	302 (less proviso)	70	355	5	3307
June 29	479	3 (as applicable to the Act of Aug. 9, 1955, ch. 690, § 1, 69 Stat. 624).	70	453	5	7311
Do	479	3 (as applicable to the Act of Aug. 9, 1955, ch. 690, § 2, 69 Stat. 624).	70	453	5	3333
Do	479	3 (as applicable to the Act of Aug. 9, 1955, ch. 690, § 3, 69 Stat. 625).	70	453	18	1919
July 11	554	1	70	519	5	5945
Do	554	2	70	520	5	5945
July 25	730	1	70	652	5	2953
July 30	779	*3(b)	70	721	5	8101, 8116
July 31	802	1(a)	70	732	5	101
Do	804	201(a)	70	742	5	1102
Do	804	201(b)	70	742	5	1103
Do	804	401 "Sec. 1 (less (h)-(j))"	70	743	5	8331
Do	804	401 "Sec. 1(h)-(j)"	70	744	5	8341
Do	804	401 "Sec. 2 (less (e), (f) (words after semicolon), (g) (2d sentence))"	70	745	5	8331

*This statute is not scheduled for repeal.

TABLE I-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1956						
July 31	804	401 "Sec. 2 (e), (f) (words after semicolon)"	70	745	5	8347
Do	804	401 "Sec. 2(g) (2d sentence)"	70	745	5	8332
Do	804	401 "Sec. 3 (less (f) and (g))"	70	745	5	8332
Do	804	401 "Sec. 3(f), (g)"	70	746	5	8333
Do	804	401 "Sec. 4"	70	747	5	8334
Do	804	401 "Sec. 5"	70	748	5	8335
Do	804	401 "Sec. 6(f) (last sentence)"	70	750	5	8333
Do	804	401 "Sec. 6 (less last sentence in (f))"	70	749	5	8336
Do	804	401 "Sec. 7"	70	750	5	8337
Do	804	401 "Sec. 8"	70	751	5	8338
Do	804	401 "Sec. 9"	70	752	5	8339
Do	804	401 "Sec. 10"	70	754	5	8341
Do	804	401 "Sec. 11"	70	755	5	8342
Do	804	401 "Sec. 12"	70	756	5	8343
Do	804	401 "Sec. 13(a)"	70	757	5	8323
Do	804	401 "Sec. 13 (less (a))"	70	757	5	8344
Do	804	401 "Sec. 14"	70	757	5	8345
Do	804	401 "Sec. 15"	70	758	5	8346
Do	804	401 "Sec. 16(f)"	70	759	5	1308
Do	804	401 "Sec. 16 (less (f))"	70	758	5	8347
Do	804	401 "Sec. 17"	70	759	5	8348
Do	804	401 "Sec. 18" [added]			5	8340
Do	804	502	70	762	5	5108
Do	804	503	70	762	5	5114
Aug. 1	830	4	70	805	5	8140
Do	837	409	70	877	5	8332
Do	837	501(c)(1) (as applicable to § 2(b))	70	882	5	8701
Do	837	501(c)(1) (less applicability to § 2(b))	70	882	5	8706
Do	837	501(e)	70	883	5	8101
Aug. 2	901	1	70	955	5	8701
Aug. 3	926	1 "Sec. 3 (less (d))"	70	980	5	8141
Do	926	1 "Sec. 4"	70	981	5	8150
Aug. 10	1041	29(a)	70A	632	5	6323
Do	1041	29(b)	70A	632	5	3551
Do	1041	29(c) (1st sentence)	70A	632	5	5534
Do	1041	29(c) (2d sentence)	70A	632	5	502
Do	1041	29(d)	70A	632	5	2105

TABLE I-b.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1957						
Jan. 11	85-1		71	3	5	6103
June 17	85-56	2201(2)	71	157	5	8332
Do	85-56	2201(19)	71	159	5	5355
Do	85-56	2201(20)	71	159	5	5102
Do	85-56	2201(21)	71	159	5	4301
June 29	85-65	1	71	209	5	8334
July 1	85-75	101 (proviso on p. 248)	71	248	5	8334
July 11	85-101		71	293	5	4301
Aug. 14	85-136		71	352	5	5108
Aug. 29	85-217	1(a)	71	491	5	5561
Do	85-217	*1(b) (1st par.)	71	491	5	5561, 5562
Do	85-217	*1(c)	71	492	37	551, 552 5565, 5566, 5567
Do	85-217	*1(d)	71	492	37	555, 556, 557
Sept. 9	85-315	111	71	637	28	554 506
1958						
Feb. 12	85-326		72	14	5	5724
Apr. 11	85-377	1 (less applicability to § 10)	72	87	5	8714
May 27	85-426	214(b) (words before comma)	72	143	5	8334
May 29	85-432	4(a), (b)	72	151	5	5334
Do	85-432	5	72	151	5	3304
June 20	85-462	2(a)	72	203	5	5332
Do	85-462	4(g)	72	208	5	8331
Do	85-462	10 (less "(i)")	72	213	5	5108
Do	85-462	16 "(i)"	72	213	5	3324
Do	85-462	11	72	213A	5	5108
Do	85-462	13(a)	72	214	5	5104
Do	85-462	15	72	214	5	5504
July 7	85-507	2(4)	72	328	5	4117
Do	85-507	3	72	328	5	4101
Do	85-507	4	72	329	5	4102
Do	85-507	5	72	329	5	4113
Do	85-507	6	72	329	5	4118
Do	85-507	7	72	331	5	4103
Do	85-507	8	72	331	5	4104
Do	85-507	9	72	331	5	4105
Do	85-507	10	72	332	5	4109
Do	85-507	11	72	332	5	4108
Do	85-507	12	72	333	5	4106
Do	85-507	13	72	334	5	4107
Do	85-507	14	72	334	5	4107
Do	85-507	15	72	334	5	4114
Do	85-507	16	72	335	5	4115
Do	85-507	17	72	335	5	4116
Do	85-507	18(a)	72	335	5	4113
Do	85-507	18(b), (c)	72	336	5	1308
Do	85-507	19(a), (c)	72	336	5	4111
Do	85-507	19(b)	72	336	5	4110
Do	85-507	19(d)	72	336	5	4107

*Applicability to civilian officers and employees and their dependents is codified in title 5. Applicability to members of the uniformed services and their dependents is codified in title 37.

TABLE I-b.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		U.S. Code, as revised		
			Volume	Page	Title	Section	
1958							
July 7	85-507	19(e)	72	336	5	4117	
Do	85-507	23	72	338	5	4112	
Do	85-508	12(q)	72	349	28	526	
July 18	85-525		72	363	5	554	
Do	85-533	1	72	377	5	5546	
Do	85-533	2	72	377	5	6104	
Do	85-538	1 "Sec. 2(a)"	72	397	5	8171	
Do	85-538	1 "Sec. 2(b)"	72	397	5	8172	
Do	85-538	1 "Sec. 2(c)"	72	397	5	8173	
July 25	85-550	16 (a), (b) (1)	72	411	5	5102	
July 29	85-568	301(c)	72	432	5	7532	
Aug. 8	85-608	301	72	538	5	8102	
Do	85-608	302	72	539	5	8101	
Aug. 12	85-619		72	547	5	301	
Aug. 14	85-661	1	72	614	5	8343	
Aug. 23	85-737	1	72	830	5	5337	
Do	85-737	3	72	831	5	8704	
Aug. 25	85-745	1(b) (last sentence, as applicable to the Federal Employees' Compensation Act).	72	838	5	8101	
Do	85-745	1(b) (last sentence, as applicable to the Civil Service Retirement Act).	72	838	5	8331	
Do	85-745	1(b) (last sentence, as applicable to the Federal Employees' Group Life Insurance Act of 1954).	72	838	5	8701	
Do	85-749		72	843	5	5723	
Aug. 27	85-772	1(a)	72	930	5	8333	
Do	85-772	1 (b), (c)	72	930	5	8341	
Do	85-772	1(d)	72	930	5	8334	
Aug. 28	85-791	31(a)	72	951	28	2346	
Do	85-791	31(b)	72	951	28	2347	
Do	85-795	2	72	959	5	3343	
Do	85-795	2	72	959	5	3581	
Do	85-795	3	72	959	5	3343	
Do	85-795	4(c)	72	961	5	3583	
Do	85-795	4 (less (c))	72	960	5	3582	
Do	85-795	5	72	961	5	3584	
Do	85-844	101 (par. under "Civil Service Retirement and Disability Fund").	72	1064	5	8348	
Do	85-848	2	72	1087	5	8501	
Do	85-848	3 "Sec. 1511(a)-(c)"	72	1088	5	8521	
Do	85-848	3 "Sec. 1511(d)"	72	1088	5	8523	
Do	85-848	3 "Sec. 1511(e)"	72	1088	5	8522	
Do	85-848	3 "Sec. 1511(f)"	72	1089	5	8524	
Do	85-848	3 "Sec. 1511(g)-(i)"	72	1089	5	8525	
Do	85-848	4	72	1089	5	8506	
Sept. 2	85-856		72	1104	28	564	
Do	85-857	13(c)	72	1264	5	8332	
Do	85-857	13(i) (3)	72	1265	5	8525	
Do	85-857	13(m)	72	1265	5	5355	
Do	85-857	13(o)	72	1266	5	5102	
Do	85-857	13(p)	72	1266	5	4301	
Do	85-858		72	1274	5	5728	
Do	85-861	7	72	1555	5	3106	
Do	85-861	13	72	1557	5	6323	
Do	85-872	1	72	1696	5	5343	
Do	85-872	2(b)	72	1696	5	8331	
Do	85-872	2 (less (b))	72	1696	5	5344	
Do	85-872	3	72	1697	5	8704	
Do	85-914	1	72	1761	5	5581	
Sept. 6	85-927	3	72	1781	5	5108	

TABLE I-b.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1959						
Mar. 18	86-3	11(a)	73	9	28	541
Do	86-3	11(b)	73	9	28	541
Do	86-3	11(c), (d)	73	9	28	561
May 26	86-33		73	62	5	4102
May 29	86-36	1	73	63	5	5102
July 17	86-91	3	73	213	5	5102
Do	86-91	9	73	216	5	5334
Do	86-91	10(a) (as applicable to the Federal Employees Pay Act of 1945, as amended).	73	217	5	5541
Do	86-91	10(a) (less applicability to the Federal Employees Pay Act of 1945, as amended).	73	217	5	6301
Do	86-91	10(c) (as applicable to the Civil Service Retirement Act).	73	217	5	8331
Do	86-91	10(c) (less applicability to the Civil Service Retirement Act).	73	217	5	8701
July 31	86-122	1	73	268	5	5504
Do	86-122	2(a)	73	268	5	5334
Aug. 18	86-168	202(c)	73	389	5	5541
Do	86-168	202(d)	73	389	5	4501
Do	86-168	202(e)	73	389	5	6306
Do	86-168	202(e)	73	389	5	6308
Sept. 9	86-243	2	73	474	28	571
Sept. 16	86-286		73	567	18	4010
Sept. 21	86-306	1	73	583	5	8332
Sept. 22	86-362	1, 2	73	643, 644	5	6103
Sept. 23	86-370	2(a), (b)	73	650	5	5108
Do	86-370	6(a)	73	652	5	5102
Do	86-371		73	653	5	5517
Do	86-377	1(a)	73	700	5	5108
Do	86-377	4(b)	73	701	5	8707
Do	86-377	4(c)	73	701	5	8706
Do	86-379	1	73	702	5	5109
Sept. 28	86-382	2	73	709	5	8901
Do	86-382	3(a) (words between 1st and 4th commas of 1st sentence, and 2d sentence).	73	710	5	8913
Do	86-382	3(a) (1st sentence, less words between 1st and 4th commas), (b)–(e).	73	710	5	8905
Do	86-382	4	73	711	5	8903
Do	86-382	5	73	712	5	8904
Do	86-382	6	73	712	5	8902
Do	86-382	7	73	713	5	8906
Do	86-382	8	73	714	5	8909
Do	86-382	9(b)	73	715	5	8909
Do	86-382	10(a), (b)	73	715	5	8913
Do	86-382	10(c)	73	715	5	8908
Do	86-382	10(d)	73	715	5	8907
Do	86-382	11	73	716	5	8910
Do	86-382	12	73	716	5	1308
Do	86-382	13	73	716	5	8911
Do	86-382	14(a) (1st sentence, less 10th through 24th words).	73	716	5	1104
Do	86-382	14(a) (10th through 24th words of 1st sentence, and 2d sentence).	73	716	5	5109
Do	86-382	15	73	716	5	8912

TABLE I-b.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1960						
Apr. 8	86-415	6(c)	74	35	5	8331
Apr. 22	86-442	2	74	82	5	8524
June 11	86-507	1(1)	74	200	5	1504, 1505, 1506
June 30	86-559	7	74	282	5	1506 6323
July 1	86-568	112(a)	74	298	5	5332
Do	86-568	115(b)(1) "(h)(1)"	74	302	5	8347
Do	86-568	115(b)(1) "(h) (less words after colon)"	74	302	5	8331
Do	86-568	115(b)(1) "(h)(2), (3)"	74	302	5	8332
Do	86-568	115(c) "(d) (words between 1st and 2d commas of 1st sentence, and 2d sentence)"	74	302	5	8716
Do	86-568	115(c) "(d) (1st sentence, less words between 1st and 2d commas)"	74	302	5	8701
Do	86-568	115(d) "(f) (words between 1st and 2d commas of 1st sentence, and 2d sentence)"	74	303	5	8913
Do	86-568	115(d) "(f) (1st sentence, less words between 1st and 2d commas)"	74	303	5	8901
Do	86-568	117(i)	74	304	5	8331
Do	86-568	203	74	305	5	5108
July 5	86-587	1	74	327	5	5723
July 7	86-604	1(a)	74	358	5	8331
Do	86-604	1(b)	74	358	5	8336
Do	86-604	1(c)	74	358	5	8338
Do	86-604	1(d), (e)	74	358	5	8339
Do	86-604	1(f)	74	358	5	8344
July 12	86-622	1(a)	74	409	5	8342
Do	86-622	2(a)	74	410	5	8338
Do	86-622	2(b)	74	410	5	8339
Do	86-622	3(a)	74	410	5	8344
Do	86-622	3(b)	74	410	5	8336
Do	86-624	30(g)	74	420	5	8501
Sept. 6	86-707	111	74	792	5	5921
Do	86-707	201	74	793	5	5922
Do	86-707	202	74	793	5	5922
Do	86-707	203	74	793	5	5922
Do	86-707	211	74	793	5	5923
Do	86-707	221	74	794	5	5924
Do	86-707	231	74	795	5	5925
Do	86-707	301(c)(1)	74	796	5	5724
Do	86-707	301(c)(2), (d) (as applicable to the Administra- tive Expenses Act of 1946, as amended).	74	796	5	5726
Do	86-707	311(a)	74	796	5	5913
Do	86-707	321	74	797	5	5727
Do	86-707	401"(d)"	74	799	5	6304
Do	86-707	401"(e)"	74	799	5	6303
Do	86-707	401"(f)"	74	799	5	6305
Do	86-707	402(a)	74	800	5	6301
Do	86-707	402(b)	74	800	5	6310
Do	86-707	402(c)	74	800	5	6301
Do	86-707	*501(a)	74	800	5	5509
Do	86-707	511(c)(6)	74	801	5	5912
Do	86-713	1(a)	74	813	5	8341
Do	86-713	1(b)	74	814	5	8345
Sept. 8	86-723	10(d)	74	832	5	3323
Sept. 13	86-767	101 (last 13 words)	74	906	5	8112
Do	86-767	101 (less last 13 words)	74	906	5	8111

* This statute is not scheduled for repeal.

TABLE I-b.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1960						
Sept. 13	86-767	102	74	906	5	8133
Do	86-767	103	74	906	5	8134
Do	86-767	201	74	907	5	8107
Do	86-767	202	74	907	5	8116
Do	86-767	203	74	907	5	8103
Do	86-767	204	74	908	5	8115
Do	86-767	205	74	908	5	8122
Do	86-767	206	74	908	18	1923
Do	86-767	207	74	908	5	8131
Do	86-767	208	74	908	5	8101
Do	86-767	209	74	909	5	8147
Do	86-767	210	74	910	5	8138
Do	86-768		74	910	5	3324
Do	86-769	4	74	912	5	5102
Do	86-778	531(e)	74	984	5	8501
Do	86-778	531(f)	74	984	5	8506
Do	86-778	531(g) (as applicable to section 1501(a) of the Social Security Act).	74	984	5	8501
Do	86-778	531(g) (as applicable to section 1507(a) of the Social Security Act).	74	984	5	8506
Do	86-778	542(a) (1)	74	985	5	8503
Do	86-778	542(a) (2)	74	985	5	8504
Do	86-778	542(b) (1) (A)	74	985	5	8502
Do	86-778	542(b) (1) (B), (C), (c) (1)	74	986	5	8503
Do	86-778	542(b) (2)	74	986	5	8504
Do	86-778	542(c) (2)	74	986	5	8523
Do	86-778	542(d)	74	986	5	8501
1961						
Aug. 14	87-139	1	75	339	5	5702
Do	87-139	2	75	339	5	5703
Do	87-139	3	75	339	5	5704
Do	87-139	4	75	340	5	5704
Do	87-139	5	75	340	28	567
Do	87-139	8(a)	75	340	5	5702
Do	87-139	8(b)	75	340	5	5703
Do	87-139	8(c)	75	340	5	5701
Aug. 30	87-172	2	75	409	5	5722
Sept. 13	87-224	1	75	496	5	5518
Do	87-225	1	75	497	28	2349
Sept. 14	87-233	2	75	507	5	8331
Sept. 21	87-270	101(a)	75	567	5	5337
Sept. 22	87-293	5(d)	75	613	5	8142
Do	87-293	5(f) (as applicable to the Civil Service Retirement Act, as amended).	75	614	5	8332
Do	87-293	21	75	623	5	8332
Sept. 26	87-299	1 "Sec. 1"	75	640	5	8312
Do	87-299	1 "Sec. 2(a)"	75	642	5	8314
Do	87-299	1 "Sec. 2(b), (c)"	75	642	5	8315
Do	87-299	1 "Sec. 3"	75	643	5	8313
Do	87-299	1 "Sec. 4(a), (b)"	75	644	5	8316
Do	87-299	1 "Sec. 4(c), (d)"	75	644	5	8317
Do	87-299	1 "Sec. 5(a)"	75	645	5	8317
Do	87-299	1 "Sec. 5(b)"	75	645	5	8316
Do	87-299	1 "Sec. 6(a), (b)"	75	645	5	8318
Do	87-299	1 "Sec. 6(c)"	75	645	5	8320
Do	87-299	1 "Sec. 7"	75	645	5	8321
Do	87-299	1 "Sec. 8"	75	646	5	8319
Do	87-299	1 "Sec. 9"	75	646	5	8322
Do	87-299	1 "Sec. 10"	75	646	5	8311

TABLE I-b.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1961						
Sept. 26	87-304	1	75	662	5	5521
Do	87-304	2	75	662	5	5522
Do	87-304	3	75	663	5	5523
Do	87-304	4	75	663	5	5524
Do	87-304	5	75	663	5	5525
Do	87-304	6	75	664	5	5527
Do	87-304	8	75	664	5	5526
Do	87-322	1	75	685	5	5108
Sept. 30	87-332	(par. under "General Provision")	75	743	5	2903
Do	87-332	(so much of par. under "General Provision" as inserted "(a)").	75	743	5	2904
Oct. 4	87-350	1(a)	75	770	5	8348
Do	87-350	2(a)	75	770	5	8332
Do	87-350	3	75	771	5	8342
Do	87-350	4(a)	75	771	5	8337
Do	87-350	5	75	771	5	8344
Do	87-350	6	75	772	5	8339
Do	87-367	102 (a), (b)	75	786	5	5108
Do	87-367	103(1)	75	787	5	5108
Do	87-367	202 "Sec. 1"	75	789	5	3104
Do	87-367	202 "Sec. 2(a)"	75	790	5	3325
Do	87-367	202 "Sec. 2(b)"	75	790	5	5361
Do	87-367	202 "Sec. 2(c)"	75	790	5	3104
Do	87-367	202 "Sec. 3"	75	790	5	3104
Do	87-378	7(a)	75	809	5	6323
1962						
Aug. 2	87-566		76	264	5	4102
Aug. 13	87-581	201 (1st proviso)	76	360	5	6102
Do	87-581	201 (2d proviso)	76	360	5	5544
Aug. 28	87-611	1	76	406	5	8705
Aug. 29	87-614		76	408	5	3102
Oct. 5	87-753		76	750	5	7325
Oct. 9	87-776		76	777	5	5724
Oct. 11	87-793	115	76	836	5	3327
Do	87-793	502	76	841	5	5301
Do	87-793	503	76	841	5	5302
Do	87-793	504	76	842	5	5303
Do	87-793	505	76	842	5	5304
Do	87-793	602(a)	76	843	5	5332
Do	87-793	603 "Sec. 701"	76	847	5	5335
Do	87-793	603 "Sec. 702"	76	847	5	5336
Do	87-793	603 "Sec. 703 (as applicable to § 701)"	76	847	5	5335
Do	87-793	603 "Sec. 703 (less applicability to § 701)"	76	847	5	5336
Do	87-793	604(a), (b)	76	847	5	5334
Do	87-793	604(c)	76	848	5	5333
Do	87-793	605	76	848	5	5337
Do	87-793	606	76	848	5	5108
Do	87-793	607(b)	76	850	5	5108
Do	87-793	1001(a)(1)	76	863	5	5361
Do	87-793	1001(a)(2) "(g) (2d sentence)"	76	863	5	3325
Do	87-793	1001(a)(2) "(g) (less 2d sentence)"	76	863	5	3104
Do	87-793	1003(a)	76	865	28	548
Do	87-793	1005(h)	76	867	5	8331
Do	87-793	1102(a)	76	869	5	8331
Do	87-793	1102(b) (less so much as redesignated § 18 as 19)	76	869	5	8340
Do	87-793	1103(a)	76	870	5	8339
Do	87-793	1103(f)(A)	76	871	5	8341
Do	87-793	1103 (less (a) and (f)(A))	76	870, 871	5	8341
Oct. 18	87-845	8	76A	699	28	569

TABLE I-b.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1963						
July 8	88-59	1(a)	77	76	5	8901
Do	88-59	1(b)	77	77	5	8903
Oct. 16	88-146		77	252	5	5723
Dec. 13	88-200	2(c) (as applicable to the Civil Service Retirement Act, as amended).	77	359	5	8332
Do	88-200	2(e) (as applicable to the Act of June 4, 1954, ch. 264, § 4 (5 U.S.C. 73b-5)).	77	360	5	5732
1964						
Feb. 5	88-266		78	8	5	5727
Feb. 7	88-267	1(a)	78	8	5	8331
Do	88-267	1(b), (c)	78	9	5	8331
Do	88-267	1 (less (a)-(c))	78	9	5	8335
Mar. 17	88-284	1(1)-(4)	78	164	5	8901
Do	88-284	1(5)	78	164	5	8905
Do	88-284	1(7)-(9)	78	165	5	8902
Do	88-284	1(10), (11)	78	165	5	8906
Do	88-284	1(12), (13)	78	165	5	8909
Do	88-284	1 (less (1)-(13))	78	166	5	8908
Mar. 26	88-290	"Sec. 306(b)"	78	170	5	4301
July 2	88-352	701(b) (2d proviso)	78	254	5	7151
Aug. 14	88-426	102(a)	78	400	5	5332
Do	88-426	103(a)	78	401	5	5333
Do	88-426	103(b)	78	402	5	5108
Do	88-426	103(c)	78	402	5	5504
Do	88-426	123	78	412	5	5303
Do	88-426	202(d)	78	413	5	8331
Do	88-426	302	78	415	5	5311
Do	88-426	303(a)	78	416	5	5312
Do	88-426	303(b) (less (15))	78	416	5	5313
Do	88-426	303(b) (15) (proviso)	78	416	5	5314
Do	88-426	303(c) (less (39) and (46))	78	416	5	5314
Do	88-426	303(c) (39) (proviso), (46) (proviso)	78	417	5	5315
Do	88-426	303(d)	78	417	5	5315
Do	88-426	303(e)	78	419	5	5316
Do	88-426	303(f)	78	421	5	5317
Do	88-426	306(a) (1)	78	428	28	548
Do	88-426	308	78	432	5	5363
Do	88-426	309	78	433	5	5364
Do	88-428	*1(1), (2)	78	437	5	5561
					37	551
Do	88-428	*1(3) (A)	78	437	5	5561,
						5562
					37	551,
						552
Do	88-428	*1(3) (B)	78	437	5	5562
					37	552
Do	88-428	*1(3) (C)	78	437	5	5561
					37	552
Do	88-428	*1(4)	78	437	5	5565
					37	555
Do	88-428	*1(5) (B)	78	437	5	5562
					37	552
Do	88-428	*1(5)	78	437	5	5563
					37	553
Do	88-428	*1(6)	78	437	5	5563
					37	553

*Applicability to civilian officers and employees and their dependents is codified in title 5. Applicability to members of the uniformed services and their dependents is codified in title 37.

TABLE I-b.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1964						
Aug. 14	88-428	*1(7)	78	437	5	5566
Do	88-428	*1(8)	78	437	37	556
Do	88-428	*1(9)	78	437	5	5564
Aug. 19	88-448	101 (as applicable to § 201(a)-(e))	78	484	37	554
Do	88-448	101 (as applicable to § 202)	78	484	5	5568
Do	88-448	101 (as applicable to § 203)	78	484	37	558
Do	88-448	101 (as applicable to § 204)	78	484	5	5531
Do	88-448	101 (as applicable to § 301 (less (e)))	78	484	5	5531
Do	88-448	201(a)-(e)	78	484	5	5532
Do	88-448	202(1)-(3), (4) ("(c)")	78	486	5	5532
Do	88-448	202(4) ("(b)")	78	486	5	3502
Do	88-448	203	78	487	5	3501
Do	88-448	204	78	487	5	6303
Do	88-448	301 (less (e))	78	487	5	3326
Aug. 20	88-452	106(c)	78	488	5	5533
Do	88-452	603(d) (words after 6th comma, as applicable to § 106(c)).	78	510	5	8143
Do	88-459	1	78	531	5	8143
Do	88-459	2	78	557	5	5911
Do	88-459	3	78	557	5	5911
Do	88-459	4	78	557	5	5911
Do	88-459	5	78	557	5	5911
Do	88-459	6	78	557	5	5911
Do	88-459	7	78	558	5	5911
Aug. 21	88-471	1	78	558	5	5911
Do	88-471	5	78	582	5	6301
Do	88-471	6(a)	78	583	5	6324
Do	88-471	6(b), (c)	78	583	5	6301
Do	88-471	6(d)	78	583	5	6307
Aug. 30	88-499	2(e)	78	583	5	6308
Do	88-499	3	78	615	5	571
Do	88-499	4	78	615	5	572
Do	88-499	5	78	616	5	573
Do	88-499	6	78	616	5	574
Do	88-499	7	78	617	5	575
Do	88-508		78	618	5	576
Aug. 31	88-527	†201 (1st 105 words of 1st par. under "Federal Bureau of Investigation", less applicability to acquisition etc. of identification and other records).	78	666	5	8146
Do	88-527	†201 (1st 105 words of 1st par. under "Federal Bureau of Investigation", as applicable to acquisition etc. of identification and other records).	78	717	28	533
Do	88-527	†201 (2d par. under "Federal Bureau of Investigation").	78	717	28	534
Do	88-531	1	78	718	28	536
Do	88-531	2	78	737	5	8901
Do	88-538	1	78	737	5	8701
Sept. 4	88-581	†4(b)	78	745	5	5942
			78	919	5	8101,
						8116

*Applicability to civilian officers and employees and their dependents is codified in title 5. Applicability to members of the uniformed services and their dependents is codified in title 37.

†This statute is not scheduled for repeal.

TABLE I-b.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
<i>1964</i>						
Oct. 6	88-631	1	78	1007	5	8913
Do	88-631	2	78	1007	5	8716
Do	88-631	3(b)	78	1008	28	548
Do	88-631	3(e)	78	1008	5	5363
Oct. 13	88-647	302	78	1073	5	8140
<i>1965</i>						
June 24	89-47		79	171	5	5521

TABLE I-c.—*Reorganization plans*

Year	Plan No.	Section	Statutes at Large		U.S. Code, as revised	
			Volume	Page	Title	Section
1946	2	3 (less 2d sentence)	60	1095	5	8145
1946	2	3 (2d sentence)	60	1095	5	8149
1949	5	1	63	1067	5	1103
1949	5	2(a) (35th through 46th words)	63	1067	5	1103
1949	5	2(a) (less 35th through 46th words), (b)	63	1067	5	1104
1949	5	2(c)	63	1069	5	1306
1949	5	3	63	1069	5	1103
1949	5	4	63	1069	5	1105
1950	2	1	64	1261	28	509
1950	2	2	64	1261	28	510
1950	2	3	64	1261	28	504
1950	2	4	64	1261	28	506
1950	2	5	64	1261	28	507
1950	19	1	64	1271	5	8145
1950	19	2	64	1272	5	8149
1953	4	1	67	636	28	508
1953	4	2	67	636	28	506

TABLE I-d.—*United States Code*

United States Code, 1964 ed.			United States Code, as revised	
Title	Section		Title	Section
2	126		5	8701
2	128		5	8708
2	129		5	8334
4	*42 (as applicable to civil commissions)		5	2902
4	*42 (less applicability to civil commissions)		4	42
5	1		5	101
5	2		5	101
5	4		5	3345
5	5		5	3346
5	6		5	3347
5	7		5	3348

*Not scheduled for repeal.

TABLE I-d.—*United States Code*—Continued

United States Code, 1964 ed.		United States Code, as revised	
Title	Section	Title	Section
5	8	5	3349
5	9	5	5535
5	10	5	2901
5	11	5	2902
5	12	5	2902
5	16	5	3331
5	16a(a) (1st 9 words after last comma)	5	2904
5	16a(a) (less 1st 9 words after last comma), (b)	5	2903
5	17b	5	2905
5	17c	5	2905
5	18	5	2903
5	20	5	2904
5	21	5	2906
5	21a	5	3332
5	21b	5	5507
5	22	5	301
5	22-1 (1st 31 words of 3d proviso)	5	3571
5	22-1 (3d proviso, less 1st 31 words)	5	5594
5	22-1 (4th and 5th provisos)	5	7312
5	22-1 (less 3d-5th provisos)	5	7532
5	22-2	5	7533
5	22-3	5	7531
5	22a	5	302
5	27	5	6106
5	28	5	6105
5	30n	5	6322
5	30o	5	5537
5	30p	5	5515
5	30q	5	6321
5	30r(a)	5	6323
5	30r(b)	5	3551
5	30r(c) (1st sentence)	5	5534
5	30r(c) (2d sentence)	5	502
5	30r(d)	5	2105
5	33	5	7154
5	38	5	3341
5	39	5	3342
5	40	5	3342
5	43	5	3101
5	43a	5	3102
5	46	5	3103
5	46a	5	5511
5	46b	5	5513
5	46d	5	5514
5	46e	5	5514
5	47 (so much as relates to removal)	5	3103
5	47 (less so much as relates to removal)	18	1917
5	47a	5	8301
5	48	28	514
5	49	5	3106
5	50 (1st sentence; and 2d sentence, so much as relates to removal)	5	5501
5	50 (2d sentence, less so much as relates to removal)	18	1917
5	51	5	5536
5	52	5	5502
5	53	5	3108
5	54	5	3107
5	55a	5	3109
5	56	5	5503
5	61a	5	5552

TABLE I-d.—*United States Code*—Continued

United States Code, 1964 ed.		United States Code, as revised	
Title	Section	Title	Section
5	61b (1st, 2d, and 6th sentences)	5	5551
5	61b (3d-5th sentences)	5	6306
5	61f	5	5582
5	61g	5	5581
5	61h	5	5583
5	61i	5	5581
5	61j	5	5582
5	61k	5	5581
5	69 (1st 34 words)	5	5535
5	69 (less 1st 34 words)	5	5536
5	70	5	5536
5	70a	5	5945
5	70b	5	5945
5	70c	5	5942
5	71	5	5536
5	72	5	5535
5	73b	5	5731
5	73b-1(a), (b)	5	5724
5	73b-1(c)	5	5730
5	73b-1(d)	5	5725
5	73b-1(e)	5	5726
5	73b-1(f)	5	5727
5	73b-2	5	5703
5	73b-3(a) (3d and 4th provisos)	5	5728
5	73b-3(a) (5th and 6th provisos)	5	5729
5	73b-3(a) (less 3d-6th provisos)	5	5722
5	73b-3 (less (a))	5	5723
5	73b-5	5	5732
5	73c	5	5727
5	73e	5	5731
5	82	5	5512
5	83	5	5946
5	84	5	5505
5	84a	4	111
5	84b	5	5517
5	84c	5	5517
5	84d	5	5518
5	85	5	5502
5	86a	5	6104
5	87	5	6103
5	87a	5	6103
5	87b	5	6103
5	87c	5	6103
5	91	28	520
5	92a	5	2903
5	93	5	303
5	94	5	304
5	95	5	503
5	95a	5	503
5	96	5	304
5	101	5	501
5	103	5	5741
5	103a	5	5742
5	103b	5	5742
5	105a	5	2954
5	106	5	2952
5	113	5	7351
5	114	5	7341
5	115	5	7341

TABLE I-d.—*United States Code*—Continued

United States Code, 1964 ed.		United States Code, as revised	
Title	Section	Title	Section
5	115a.....	5	7341
5	118a.....	5	5912
5	118c.....	5	5943
5	118f.....	5	5944
5	118g.....	5	7903
5	118h.....	5	5941
5	118i(a) (1st 4 sentences).....	5	7324
5	118i(a) (less 1st 4 sentences).....	5	7327
5	118i(b) (less last proviso, and less last sentence).....	5	7325
5	118i(c).....	5	1308
5	118k(a) (1st 41 words).....	5	1501
5	118k(a) (less 1st 41 words).....	5	1502
5	118k(b) (1st and 2d sentences; and 4th through 17th words of 3d sentence).....	5	1504
5	118k(b) (3d sentence, less 4th through 17th words; and 4th sentence).....	5	1505
5	118k(b) (less 1st 4 sentences).....	5	1506
5	118k(c).....	5	1508
5	118k(d) (1st sentence).....	5	1302
5	118k(d) (less 1st sentence).....	5	1507
5	118k(e), (f).....	5	1501
5	118k-1 (as applicable to 5 U.S.C. 118k).....	5	1501
5	118k-1 (less applicability to 5 U.S.C. 118k).....	5	7324
5	118k-2.....	5	1501
5	118k-3.....	5	7324
5	118l (as applicable to 5 U.S.C. 118k).....	5	1501
5	118l (less applicability to 5 U.S.C. 118k).....	5	7324
5	118m.....	5	7327
5	118n (as applicable to 5 U.S.C. 118k(a)).....	5	1503
5	118n (less applicability to 5 U.S.C. 118k (a)).....	5	7326
5	118o.....	5	7323
5	118p.....	5	7311
5	118q.....	5	3333
5	118r.....	18	1919
5	150.....	5	7901
5	150k.....	5	2105
5	150k-1(a).....	5	8171
5	150k-1(b).....	5	8172
5	150k-1(c).....	5	8173
5	291 (less last 10 words).....	28	501
5	291 (last 10 words).....	28	503
5	292.....	28	502
5	293.....	28	505
5	294.....	28	504
5	295.....	28	506
5	295-1.....	28	506
5	298.....	28	543
5	298a.....	5	5108
5	299.....	28	533
5	300 (less applicability to acquisition etc., of identification and other records).....	28	533
5	300 (as applicable to acquisition etc., of identification and other records).....	28	534
5	300d.....	28	536
5	303.....	28	511
5	304.....	28	512
5	305 (1st sentence, as applicable to the Attorney General; 2d and 3d sentences).....	28	521
5	306.....	28	516
5	307.....	28	513
5	309.....	28	518
5	310.....	28	515
5	311a.....	28	535
5	313.....	28	514

TABLE I-d.—*United States Code*—Continued

United States Code, 1964 ed.		United States Code, as revised	
Title	Section	Title	Section
5	314.....	5	3106
5	315.....	28	515
5	316.....	28	517
5	319.....	28	523
5	333.....	28	522
5	340.....	28	534
5	341.....	28	524
5	341a.....	28	568
5	341b.....	28	526
5	341c (last sentence).....	28	536
5	341c (less last sentence).....	28	537
5	341e.....	28	525
5	341f.....	18	4010
5	341g.....	18	4011
5	389.....	39	6216
5	514d (2d par.).....	5	3101
5	516b (3d sentence).....	5	5109
5	631 (less last 16 words).....	5	3301
5	631 (last 16 words).....	5	7301
5	631b(b), (c).....	5	3304
5	632 (1st par.).....	5	1101
5	632 (2d-4th pars.).....	5	1102
5	632 (5th par.).....	5	1103
5	633(1) (function of Civil Service Commission).....	5	1301
5	633(1) (less function of Civil Service Commission).....	5	3302
5	633(2)1.....	5	3304
5	633(2)2.....	5	3318
5	633(2)3.....	5	3306
5	633(2)4.....	5	3321
5	633(2)5.....	5	7321
5	633(2)6 (1st sentence).....	5	7322
5	633(2)6 (less 1st sentence).....	5	7152
5	633(2)7 (less last 17 words).....	5	3304
5	633(2)7 (last 17 words).....	5	1302
5	633(2)8 (last sentence).....	5	3302
5	633(2)8 (less last sentence).....	5	2951
5	633(2)9.....	5	7153
5	633(3) (less last 10 words).....	5	1302
5	633(3) (last 10 words).....	5	1307
5	633(4).....	5	1303
5	633(5).....	5	1308
5	634.....	5	1306
5	635 (less last 24 words of 6th sentence; and less 7th sentence).....	5	1105
5	635 (last 24 words of 6th sentence).....	5	3305
5	635 (7th sentence).....	5	3304
5	637.....	18	1918
5	638 (less applicability to appointment and promotion).....	5	2102
5	638 (as applicable to appointment).....	5	3304
5	638 (as applicable to promotion).....	5	3361
5	638b (less proviso).....	5	3307
5	638b (proviso).....	5	3322
5	640.....	5	7352
5	641.....	5	3319
5	642.....	5	3303
5	642a.....	5	2953
5	652(a).....	5	7501
5	652(b) (1).....	5	5591
5	652(b) (2).....	5	5592
5	652(b) (3).....	5	5593

TABLE I-d.—*United States Code*—Continued

United States Code, 1964 ed.		United States Code, as revised	
Title	Section	Title	Section
5	652(c).....	5	7101
5	652(d).....	5	7102
5	655.....	5	1304
5	656.....	5	1304
5	657.....	5	1304
5	659.....	5	3327
5	673c (1st proviso).....	5	6102
5	673c (2d proviso).....	5	5544
5	715a.....	5	3323
5	751.....	5	8102
5	752.....	5	8117
5	753.....	5	8105
5	754.....	5	8106
5	755 (a), (b).....	5	8107
5	755(c).....	5	8108
5	755(d).....	5	8109
5	756(a).....	5	8110
5	756(b).....	5	8111
5	756(c).....	5	8112
5	756(d).....	5	8113
5	757.....	5	8116
5	758.....	5	8118
5	759(a).....	5	8103
5	759(b).....	5	8104
5	760(B) (last 23 words of 1st sentence), (H).....	5	8101
5	760(L).....	18	1922
5	760 (less last 23 words of 1st sentence in (B); and less (H) and (L)).....	5	8133
5	761.....	5	8134
5	762.....	5	8114
5	763.....	5	8115
5	764.....	5	8135
5	765.....	5	8119
5	766.....	5	8119
5	767.....	5	8119
5	768.....	5	8121
5	769.....	5	8121
5	770.....	5	8122
5	771.....	5	8123
5	772.....	5	8123
5	773(a).....	5	8123
5	773(b) (less last sentence).....	5	8127
5	773(b) (last sentence).....	18	292
5	773(c).....	5	8125
5	774(a).....	5	8120
5	774(b).....	18	1923
5	775.....	5	8130
5	776.....	5	8131
5	777.....	5	8132
5	778.....	5	8145
5	779.....	5	8120
5	780.....	5	8126
5	781.....	5	8145
5	783 (last 9 words).....	5	8145
5	783 (less last 9 words).....	5	8149
5	784(a).....	5	8148
5	784 (less (a)).....	5	7902
5	785.....	5	8147
5	786.....	5	8124
5	787.....	5	8128
5	788.....	5	8129

TABLE I-d.—*United States Code*—Continued

United States Code, 1964 ed.		United States Code, as revised	
Title	Section	Title	Section
5	789.....	18	1921
5	790.....	5	8101
5	791.....	5	8131
5	791-4(b).....	5	8150
5	793 (1st 3 pars., less 2d sentence of 2d par.).....	5	8146
5	793 (2d sentence of 2d par.).....	5	8138
5	793 (4th par., less 2d sentence).....	5	8138
5	793 (2d sentence of 4th par.).....	5	8136
5	793 (5th par., less penultimate sentence).....	5	8137
5	793 (penultimate sentence of 5th par.).....	5	8128
5	794 (1st sentence).....	5	8101
5	794 (less 1st sentence).....	5	8139
5	802.....	5	8140
5	803 (less (d)).....	5	8141
5	803a.....	5	8150
5	835.....	5	5701
5	836.....	5	5702
5	837.....	5	5704
5	838.....	5	5705
5	839.....	5	5706
5	840.....	5	5707
5	841.....	5	5708
5	842.....	5	5708
5	851 (1st 76 words).....	5	1302
5	851 (less 1st 76 words).....	5	2108
5	852 (1st sentence).....	5	3309
5	852 (2d sentence).....	5	3310
5	853.....	5	3311
5	854 (1st 2 sentences, so much as relates to promotion).....	5	3363
5	854 (1st 2 sentences, so much as relates to retention).....	5	3504
5	854 (1st 2 sentences, so much as relates to transfer).....	5	3351
5	854 (1st 2 sentences, less so much as relates to promotion, retention, and transfer).....	5	3312
5	854 (less 1st 2 sentences).....	5	3308
5	855 (so much as relates to apportionment).....	5	3306
5	855 (less so much as relates to apportionment).....	5	3319
5	856.....	5	3313
5	857 (1st sentence and 2d proviso).....	5	3317
5	857 (last sentence).....	5	3364
5	857 (less 1st sentence, 2d proviso, and last sentence).....	5	3318
5	858.....	5	3320
5	859.....	5	3305
5	860.....	5	1302
5	861 (a) (3d proviso).....	5	3503
5	861 (a) (less 3d proviso).....	5	3502
5	861 (b).....	5	3501
5	861 (c).....	5	3502
5	862.....	5	3316
5	863 (1st 168 words).....	5	7512
5	863 (2d proviso).....	5	3315
5	863 (less 1st 168 words, and less 2d proviso).....	5	7701
5	864 (1st sentence).....	5	3315
5	864 (less 1st sentence).....	5	3318
5	865.....	5	3314
5	868 (less proviso).....	5	1302
5	868 (proviso).....	5	7701
5	869.....	5	3320
5	901(a), (d), (e).....	5	5541
5	902 (less clause (1) and last sentence of (a)).....	5	5541
5	911.....	5	5542
5	912.....	5	5543

TABLE I-d.—*United States Code*—Continued

United States Code, 1964 ed.		United States Code, as revised	
Title	Section	Title	Section
5	912a.....	5	5542
5	912b.....	5	5542
5	913.....	5	5544
5	914.....	5	5506
5	921.....	5	5545
5	922.....	5	5546
5	926.....	5	5545
5	932c(d).....	5	8331
5	932d(d).....	5	8331
5	932e(f).....	5	8331
5	932f(e).....	5	8331
5	932g(d).....	5	8331
5	933 (as applicable to 5 U.S.C. 673c).....	5	5544
5	941.....	5	5549
5	943.....	5	5547
5	944 (a), (d) (less last 27 words).....	5	6101
5	944 (b), (c), (d) (last 27 words).....	5	5504
5	945.....	5	5548
5	946.....	5	5342
5	1001.....	5	551
5	1002.....	5	552
5	1003.....	5	553
5	1004.....	5	554
5	1005.....	5	555
5	1006.....	5	556
5	1007.....	5	557
5	1008.....	5	558
5	1009 (introductory clause).....	5	701
5	1009(a).....	5	702
5	1009(b).....	5	703
5	1009(c).....	5	704
5	1009(d).....	5	705
5	1009(e).....	5	706
5	1010 (1st sentence).....	5	3105
5	1010 (2d sentence).....	5	7521
5	1010 (3d sentence).....	5	5362
5	1010 (4th sentence).....	5	3344
5	1010 (5th sentence).....	5	1305
5	1011.....	5	559
5	1031.....	28	2341
5	1032.....	28	2342
5	1033.....	28	2343
5	1034.....	28	2344
5	1035.....	28	2345
5	1036.....	28	2346
5	1037.....	28	2347
5	1038.....	28	2348
5	1039.....	28	2349
5	1040.....	28	2350
5	1041.....	28	2352
5	1042.....	28	2351
5	1045(e).....	5	571
5	1045a.....	5	572
5	1045b.....	5	573
5	1045c.....	5	574
5	1045d.....	5	575
5	1045e.....	5	576
5	1051 (1st sentence).....	5	5352
5	1051 (less 1st sentence).....	5	5353
5	1052.....	5	5351

TABLE I-d.—*United States Code*—Continued

United States Code, 1964 ed.		United States Code, as revised	
Title	Section	Title	Section
5	1053.....	5	8144
5	1054 (1st 27 words).....	5	8331
5	1054 (less 1st 27 words).....	5	8332
5	1055.....	5	5354
5	1057.....	5	5355
5	1058.....	5	5356
5	1071.....	5	5101
5	1072.....	5	5115
5	1072a.....	5	5115
5	1074.....	5	7154
5	1081.....	5	5102
5	1082 (1)-(6), (7) (less provisos), (8) (less last 31 words), (9)-(35).....	5	5102
5	1082 (7) (provisos).....	5	5341
5	1082(8) (last 31 words).....	5	5342
5	1083.....	5	5103
5	1084(b).....	5	5102
5	1084(c).....	5	5103
5	1085.....	5	305
5	1091.....	5	5102
5	1092.....	5	5106
5	1093.....	5	5106
5	1094.....	5	5105
5	1101.....	5	5112
5	1102(a).....	5	5107
5	1102(b).....	5	5110
5	1103.....	5	5110
5	1104.....	5	5111
5	1105 (a)-(h), (j)-(l).....	5	5108
5	1105(i).....	5	3324
5	1105a.....	5	5114
5	1106.....	5	5113
5	1107.....	5	5337
5	1111.....	5	5104
5	1112.....	5	5104
5	1113.....	5	5332
5	1121.....	5	5335
5	1122.....	5	5336
5	1123 (as applicable to 5 U.S.C. 1121).....	5	5335
5	1123 (less applicability to 5 U.S.C. 1121).....	5	5336
5	1131.....	5	5333
5	1132.....	5	5334
5	1133.....	5	5333
5	1151.....	5	305
5	1161(g) (2d sentence).....	5	3325
5	1161 (less 2d sentence of (g)).....	5	3104
5	1162(a).....	5	3325
5	1162(b).....	5	5361
5	1162(c).....	5	3104
5	1163.....	5	3104
5	1171.....	5	5301
5	1172.....	5	5302
5	1173.....	5	5303
5	1174.....	5	5304
5	1181.....	5	5343
5	1182(b).....	5	8331
5	1182 (less (b)).....	5	5344
5	1183.....	5	8704
5	2001.....	5	4301
5	2002.....	5	4302

TABLE I-d.—*United States Code*—Continued

United States Code, 1964 ed.		United States Code, as revised	
Title	Section	Title	Section
5	2003.....	5	4307
5	2004.....	5	4303
5	2005.....	5	4304
5	2006.....	5	4305
5	2007(a).....	5	4308
5	2007 (less (a)).....	5	4306
5	2061(a), (b), (c) (1) (less last sentence), (d).....	5	6301
5	2061(c) (1) (last sentence).....	5	5508
5	2061(c) (2).....	5	6305
5	2061a(a).....	5	5551
5	2061a(b).....	5	6302
5	2062 (a), (b), (e), (i).....	5	6303
5	2062 (c), (d).....	5	6304
5	2062(f).....	5	6305
5	2062(g).....	5	6310
5	2062(h).....	5	6302
5	2063.....	5	6307
5	2064(d).....	5	6309
5	2064(e).....	5	6308
5	2064 (less (d), (e)).....	5	6302
5	2065.....	5	6311
5	2066(a).....	5	6304
5	2067.....	5	6301
5	2071.....	5	6324
5	2091(a) (1st sentence, less words between 6th and 7th commas), (b), (d) (1st sentence, less words between 1st and 2d commas).....	5	8701
5	2091(a) (words between 6th and 7th commas of 1st sentence, and 2d sentence), (d) (words between 1st and 2d commas of 1st sentence, and 2d sentence).....	5	8716
5	2091(c).....	5	8706
5	2092 (less (d)).....	5	8704
5	2093.....	5	8705
5	2094(a) (1st par.).....	5	8707
5	2094(a) (less 1st par.).....	5	8702
5	2094(b).....	5	8708
5	2094(c) (less applicability to 5 U.S.C. 2099), (d).....	5	8714
5	2095.....	5	8706
5	2096(c)–(e).....	5	8710
5	2096 (less (c)–(e)).....	5	8709
5	2097 (less (d)).....	5	8711
5	2097(d).....	5	8712
5	2098.....	5	8703
5	2100 (less applicability to 5 U.S.C. 2099).....	5	8716
5	2101 (less applicability to 5 U.S.C. 2099).....	5	8713
5	2102 (less applicability to 5 U.S.C. 2099).....	5	1308
5	2103 (less applicability to 5 U.S.C. 2099).....	5	8715
5	2121 (1st 29 words).....	5	4506
5	2121 (less 1st 29 words).....	5	1308
5	2122.....	5	4501
5	2123(a).....	5	4503
5	2123(b).....	5	4504
5	2123(c).....	5	4505
5	2123(d), (e), (g).....	5	4502
5	2123(f).....	5	3362
5	2131.....	5	5901
5	2132 (as applicable to the Civil Service Retirement Act, as amended).....	5	8331
5	2132 (less applicability to the Civil Service Retirement Act, as amended).....	5	5901
5	2133.....	5	5901
5	2210.....	5	5311
5	2211(a).....	5	5312
5	2211 (b) (less (15)).....	5	5313

TABLE I-d.—*United States Code*—Continued

United States Code, 1964 ed.		United States Code, as revised	
Title	Section	Title	Section
5	2211(b)(15) (proviso).....	5	5314
5	2211(c) (less (39) and (46)).....	5	5314
5	2211(c) (39) (proviso), (46) (proviso).....	5	5315
5	2211(d).....	5	5315
5	2211(e).....	5	5316
5	2211(f).....	5	5317
5	2212.....	5	5363
5	2213.....	5	5364
5	2251 (less (h)-(j)).....	5	8331
5	2251 (h)-(j).....	5	8341
5	2252 (less (e), (f) (words after semicolon), (g) (2d sentence), (h) (words after colon)).....	5	8331
5	2252(e), (f) (words after semicolon), (h)(1).....	5	8347
5	2252(h)(2), (3).....	5	8332
5	2252(g) (2d sentence).....	5	8332
5	2253 (less (f) and (g)).....	5	8332
5	2253(f), (g).....	5	8333
5	2254.....	5	8334
5	2255.....	5	8335
5	2256 (less last sentence in (f)).....	5	8336
5	2256(f) (last sentence).....	5	8333
5	2257.....	5	8337
5	2258.....	5	8338
5	2259.....	5	8339
5	2260.....	5	8341
5	2261.....	5	8342
5	2262.....	5	8343
5	2263(a).....	5	8323
5	2263 (less (a)).....	5	8344
5	2264.....	5	8345
5	2265.....	5	8346
5	2266 (less (f)).....	5	8347
5	2266(f).....	5	1308
5	2267.....	5	8348
5	2268.....	5	8340
5	2281.....	5	8311
5	2282.....	5	8312
5	2283(a).....	5	8314
5	2283(b), (c).....	5	8315
5	2283a.....	5	8313
5	2284(a), (b).....	5	8316
5	2284(c), (d).....	5	8317
5	2284a(a).....	5	8317
5	2284a(b).....	5	8316
5	2285(a), (b).....	5	8318
5	2285(c).....	5	8320
5	2286.....	5	8321
5	2287.....	5	8319
5	2288.....	5	8322
5	2301(4).....	5	4117
5	2302.....	5	4101
5	2303.....	5	4102
5	2304.....	5	4113
5	2305.....	5	4118
5	2306.....	5	4103
5	2307.....	5	4104
5	2308.....	5	4105
5	2309.....	5	4109
5	2310.....	5	4108
5	2311.....	5	4106
5	2312.....	5	4107
5	2313.....	5	4107

TABLE I-d.—*United States Code*—Continued

United States Code, 1964 ed.		United States Code, as revised	
Title	Section	Title	Section
5	2314.....	5	4114
5	2315.....	5	4115
5	2316.....	5	4116
5	2317(a).....	5	4113
5	2317(b), (c).....	5	1308
5	2318(a), (c).....	5	4111
5	2318(b).....	5	4110
5	2318(d).....	5	4107
5	2318(e).....	5	4117
5	2319.....	5	4112
5	2331.....	5	3343
5	2331.....	5	3581
5	2332.....	5	3343
5	2333 (less (c)).....	5	3582
5	2333(c).....	5	3583
5	2334.....	5	3584
5	2357.....	5	5334
5	2358(a) (as applicable to the Federal Employees Pay Act of 1945, as amended).....	5	5541
5	2358(a) (less applicability to the Federal Employees Pay Act of 1945, as amended).....	5	6301
5	2358(c) (as applicable to the Civil Service Retirement Act).....	5	8331
5	2358(c) (less applicability to the Civil Service Retirement Act).....	5	8701
5	3001.....	5	8901
5	3002(a) (1st sentence, less words between 1st and 4th commas), (b)-(e).....	5	8905
5	3002(a) (words between 1st and 4th commas of 1st sentence, and 2d sentence), (f) (words between 1st and 2d commas of 1st sentence, and 2d sentence).....	5	8913
5	3002(f) (1st sentence, less words between 1st and 2d commas).....	5	8901
5	3003.....	5	8903
5	3004.....	5	8904
5	3005.....	5	8902
5	3006.....	5	8906
5	3007.....	5	8909
5	3008(b).....	5	8909
5	3009(a), (b).....	5	8913
5	3009(c).....	5	8908
5	3009(d).....	5	8907
5	3010.....	5	8910
5	3011.....	5	1308
5	3012.....	5	8911
5	3013(a) (1st sentence, less 10th through 24th words).....	5	1104
5	3013(a) (10th through 24th words of 1st sentence, and 2d sentence).....	5	5109
5	3014.....	5	8912
5	3032.....	5	5921
5	3033.....	5	5922
5	3034.....	5	5922
5	3035.....	5	5922
5	3036.....	5	5923
5	3037.....	5	5924
5	3038.....	5	5925
5	3039.....	5	5913
5	3071.....	5	5521
5	3072.....	5	5522
5	3073.....	5	5523
5	3074.....	5	5524
5	3075.....	5	5525
5	3076.....	5	5527
5	3078.....	5	5526
5	3101 (as applicable to 5 U.S.C. 861).....	5	3501
5	3101 (as applicable to 5 U.S.C. 2062(a)).....	5	6303
5	3101 (as applicable to 5 U.S.C. 3102(a)-(e)).....	5	5531
5	3101 (as applicable to 5 U.S.C. 3103).....	5	3326
5	3101 (as applicable to 5 U.S.C. 3105 (less (e))).....	5	5531

TABLE I-d.—*United States Code*—Continued

United States Code, 1964 ed.		United States Code, as revised	
Title	Section	Title	Section
5	3102(a)-(e).....	5	5532
5	3103.....	5	3326
5	3105 (less (e)).....	5	5533
5	3121.....	5	5911
5	3122.....	5	5911
5	3123.....	5	5911
5	3124.....	5	5911
5	3125.....	5	5911
5	3126.....	5	5911
5	3127.....	5	5911
22	915(c).....	5	3323
22	2504(d).....	5	8142
22	2504(f) (as applicable to the Civil Service Retirement Act, as amended).....	5	8332
22	2504(h) (as applicable to 5 U.S.C. 73b-5).....	5	5732
28	501.....	28	541
28	502.....	28	542
28	503.....	28	543
28	504(a).....	28	541
28	504(b) (less 2d sentence).....	28	541
28	504(b) (2d sentence, as applicable to assistant United States attorneys).....	28	542
28	504(b) (2d sentence, less applicability to assistant United States attorneys).....	28	543
28	504(c).....	28	544
28	505.....	28	545
28	506.....	28	546
28	507(a).....	28	547
28	507(b).....	28	519
28	508.....	28	548
28	509.....	28	549
28	510.....	28	550
28	541.....	28	561
28	542.....	28	562
28	543.....	28	563
28	544.....	28	564
28	545.....	28	565
28	546.....	28	566
28	547.....	28	569
28	549.....	28	570
28	550.....	28	571
28	551.....	28	572
28	553.....	28	567
28	554.....	28	573
28	555.....	28	574
28	556.....	28	575
31	665(b).....	5	3101
31	665(i)(1) (words before semicolon, as applicable to subsection (b)).....	5	3101
31	665(i)(1) (words after semicolon, as applicable to subsection (b)).....	18	1916
31	665(i)(2) (as applicable to subsection (b)).....	5	3101
31	666.....	5	3101
33	544a.....	5	3323
33	701L.....	5	3323
40	193w.....	5	5109
42	1361.....	5	8501
42	1362.....	5	8502
42	1363.....	5	8503
42	1364.....	5	8504
42	1366.....	5	8505
42	1367.....	5	8506
42	1368(a).....	18	1920
42	1368(b).....	5	8507
42	1369.....	5	8508
42	1370.....	5	5509

TABLE I-d.—*United States Code*—Continued

United States Code, 1964 ed.		United States Code, as revised	
Title	Section	Title	Section
42	1371(a)–(c).....	5	8521
42	1371(d).....	5	8523
42	1371(e).....	5	8522
42	1371(f).....	5	8524
42	1371(g)–(i).....	5	8525
42	2000e(b) (2d proviso).....	5	7151
42	2716(c).....	5	8143
42	2943(d) (words after 6th comma, as applicable to 42 U.S.C. 2716(c)).....	5	8143
45	228j(b)(4) (4th sentence).....	5	5108
50A	*1001.....	5	5561
		37	551
50A	*1002(a) (3d through 66th and 96th through 120th words of 1st sentence, and 1st 28 words of 3d sentence, for definition purposes).....	5	5561
50A	*1002(a) (22d through 66th and 96th through 120th words of 1st sentence, for definition purposes).....	37	551
50A	*1002(a) (1st 2 sentences and 3d sentence, less 1st 28 words).....	5	5562
50A	*1002(a).....	37	552
50A	*1003.....	5	5563
		37	553
50A	*1004.....	5	5563
		37	553
50A	*1005.....	5	5565
		37	555
50A	*1006 (1st sentence and 2d sentence, as applicable to allotments).....	5	5563
		37	553
50A	*1006 (2d sentence, as applicable to pay and allowances).....	5	5562
		37	552
50A	*1007.....	5	5563
		37	553
50A	1008.....	18	1924
50A	*1009(a) (less 5th and last sentences).....	5	5566
		37	556
50A	*1009(a) (5th and last sentences).....	5	5567
		37	557
50A	*1009(b) (as applicable to § 1005).....	5	5565
		37	555
50A	*1009(b) (as applicable to § 1009).....	5	5566
		37	556
50A	*1010.....	5	5566
		37	556
50A	*1011.....	5	5567
		37	557
50A	*1012.....	5	5564
		37	554
50A	*1013.....	5	5568
		37	558
50A	*1014 (as applicable to § 1002(a) (1st sentence)).....	5	5561, 5562
50A	*1014 (as applicable to § 1002(a) (1st and last sentences)).....	37	552
50A	*1014 (as applicable to § 1005 (1st sentence)).....	5	5565
		37	555
50A	*1014 (as applicable to § 1006 (1st sentence)).....	5	5563
		37	553
50A	*1014 (as applicable to § 1009(a) (1st proviso of 6th sentence)).....	5	5566
		37	556
50A	*1014 (as applicable to § 1012 (1st sentence)).....	5	5564
		37	554

*Applicability to civilian officers and employees and their dependents is codified in title 5. Applicability to members of the uniformed services and their dependents is codified in title 37.

TABLE I-e.—*Acts cited by popular name*

ADMINISTRATIVE CONFERENCE ACT

Aug. 30, 1964, Pub. L. 88-499, §§ 2(e), 3-7, 78 Stat. 615 (Title 5, §§ 571-576)

ADMINISTRATIVE EXPENSES ACT OF 1946

Aug. 2, 1946, ch. 744, 60 Stat. 806, as amended (Title 5, §§ 302, 503, 3109, 5703, 5721-5731, 5913, 7903)

ADMINISTRATIVE PROCEDURE ACT

June 11, 1946, ch. 324, 60 Stat. 237, as amended (Title 5, §§ 551-559, 701-706, 3105, 3344, 5362, 7521)

ADVANCEMENT AND ALLOTMENT OF PAY IN EMERGENCY EVACUATIONS ACT

Sept. 26, 1961, Pub. L. 87-304, 75 Stat. 662, as amended (Title 5, §§ 5521-5527)

ANNUAL AND SICK LEAVE ACT OF 1951

Oct. 30, 1951, ch. 631, title II, 65 Stat. 679, as amended (Title 5, §§ 6301-6305, 6307-6311)

CIVIL SERVICE ACT

Jan. 16, 1883, ch. 27, 22 Stat. 403, as amended (Title 5, §§ 1101-1103, 1105, 1301-1303, 1307, 1308, 2102, 2951, 3302-3306, 3318, 3319, 3321, 3361, 7152, 7153, 7321, 7322, 7352; Title 18, § 1918)

CIVIL SERVICE RETIREMENT ACT

July 31, 1956, ch. 804, § 401, 70 Stat. 743, as amended (Title 5, §§ 1308, 3323, 8331-8348)

CLASSIFICATION ACT OF 1949

Oct. 28, 1949, ch. 782, 63 Stat. 954, as amended (Title 5, §§ 305, 5101-5108, 5110-5113, 5115, 5331-5338, 5341, 5342, 5509, 7154)

DUAL COMPENSATION ACT

Aug. 19, 1964, Pub. L. 88-448, §§ 101, 201-204, 301, 78 Stat. 484 (Title 5, §§ 3326, 3501, 3502, 5531-5533, 6303)

EX-SERVICEMEN'S UNEMPLOYMENT COMPENSATION ACT OF 1958

Aug. 28, 1958, Pub. L. 85-848, 72 Stat. 1087, as amended (Title 5, §§ 8501, 8506, 8521-8525)

FEDERAL EMPLOYEES' COMPENSATION ACT

Sept. 7, 1916, ch. 458, 39 Stat. 742, as amended (Title 5, §§ 7902, 8101-8138, 8145-8150; Title 18, §§ 292, 1921-1923)

FEDERAL EMPLOYEES' GROUP LIFE INSURANCE ACT OF 1954

Aug. 17, 1954, ch. 752, 68 Stat. 736, as amended (Title 5, §§ 1308, 8701-8716)

FEDERAL EMPLOYEES HEALTH BENEFITS ACT OF 1959

Sept. 28, 1959, Pub. L. 86-382, 73 Stat. 708, as amended (Title 5, §§ 1104, 1308, 5109, 8901-8913)

FEDERAL EMPLOYEES INTERNATIONAL ORGANIZATION SERVICE ACT

Aug. 28, 1958, Pub. L. 85-795, 72 Stat. 959 (Title 5, §§ 3343, 3581-3584)

FEDERAL EMPLOYEES PAY ACT OF 1945

June 30, 1945, ch. 212, 59 Stat. 295, as amended (Title 5, §§ 5342, 5504, 5505, 5509, 5541-5549, 6101)

FEDERAL EMPLOYEES SALARY ACT OF 1964

Aug. 14, 1964, Pub. L. 88-426, §§ 102(a), 103, 123, 78 Stat. 400 (Title 5, §§ 5108, 5303, 5332, 5333, 5504)

FEDERAL EMPLOYEES UNEMPLOYMENT COMPENSATION ACT

Sept. 1, 1954, ch. 1212, § 4(a), 68 Stat. 1130, as amended (Title 5, §§ 5509, 8501-8508; Title 18, § 1920)

FEDERAL EMPLOYEES UNIFORM ALLOWANCE ACT

Sept. 1, 1954, ch. 1208, §§ 402-404, 68 Stat. 1114, as amended (Title 5, §§ 5901, 8331)

FEDERAL EXECUTIVE SALARY ACT OF 1964

Aug. 14, 1964, Pub. L. 88-426, §§ 302, 303, 306(a)(1), 308, 309, 78 Stat. 415, as amended (Title 5, §§ 5311-5317, 5363, 5364; Title 28, § 548)

FEDERAL SALARY REFORM ACT OF 1962

Oct. 11, 1962, Pub. L. 87-793, §§ 502-505, 76 Stat. 841, as amended (Title 5, §§ 5301-5304)

GOVERNMENT EMPLOYEES' INCENTIVE AWARDS ACT

Sept. 1, 1954, ch. 1208, §§ 302-304, 68 Stat. 1112 (Title 5, §§ 1308, 3362, 4501-4506)

GOVERNMENT EMPLOYEES TRAINING ACT

July 7, 1958, Pub. L. 85-507, 72 Stat. 327, as amended (Title 5, §§ 1308, 4101-4118)

HATCH POLITICAL ACTIVITIES ACT

Aug. 2, 1939, ch. 410, 53 Stat. 1148, as amended (Title 5, §§ 1308, 1501-1508, 7324-7327)

HISS ACT

Sept. 1, 1954, ch. 1214, 68 Stat. 1144, as amended (Title 5, §§ 8311-8322)

HOBBS ACT

Dec. 29, 1950, ch. 1189, 64 Stat. 1130, as amended (Title 28, §§ 2341-2352)

LLOYD-LAFOLLETTE ACT

Aug. 24, 1912, ch. 389, § 6, 37 Stat. 555, as amended (Title 5, §§ 5591-5593, 7101, 7102, 7501)

MISSING PERSONS ACT

Mar. 7, 1942, ch. 166, §§ 1-14, 56 Stat. 143, as amended (Title 5, §§ 5561-5568; Title 18, § 1924; Title 37, §§ 551-558)

NOTARIES PUBLIC EXPENSE ACT OF 1955

July 11, 1956, ch. 554, 70 Stat. 519 (Title 5, § 5945)

OVERSEAS DIFFERENTIALS AND ALLOWANCES ACT

Sept. 6, 1960, Pub. L. 86-707, §§ 111, 201-203, 211, 221, 231, 501, 74 Stat. 793 (Title 5, §§ 5509, 5921-5925)

PAY SAVING ACT

June 18, 1956, ch. 402, 70 Stat. 291, as amended (Title 5, § 5337)

PENDLETON ACT

(See Civil Service Act.)

PERFORMANCE RATING ACT OF 1950

Sept. 30, 1950, ch. 1123, 64 Stat. 1098, as amended (Title 5, §§ 4301-4308, 5509)

PUBLIC LAW 313

Aug. 1, 1947, ch. 433, 61 Stat. 715, as amended (Title 5, §§ 3104, 3325, 5361)

RAMSPECK ACT

Nov. 26, 1940, ch. 919, § 2(b), 54 Stat. 1212 (Title 5, § 3304)

TRAVEL EXPENSE ACT OF 1949

June 9, 1949, ch. 185, 63 Stat. 166, as amended (Title 5, §§ 5701, 5702, 5704-5708)

VETERANS' PREFERENCE ACT OF 1944

June 27, 1944, ch. 287, 58 Stat. 387, as amended (Title 5, §§ 1302, 2108, 3305, 3306, 3308-3320, 3351, 3363, 3364, 3501-3504, 7511, 7512, 7701)

TABLE II—LAWS OMITTED AND REPEALED

This table shows the laws omitted from Title 5, United States Code, and repealed by this Bill.

TABLE II-a.—*Revised Statutes*

Revised Statutes (section)	U.S. Code, 1964 ed.		Explanation
	Title	Section	
160-----	5	3-----	Superseded. Established salaries of department heads. Superseded by § 303 of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 416, which is carried into this revision.
173-----	5	23-----	Superseded. Section requires chief clerk of executive departments, and offices within the departments, to supervise subordinate clerks. This authority has been transferred to the department head, with power to delegate, by the following authorities: Department of State—Act June 20, 1874, ch. 328, § 1, 18 Stat. 90; as amended Feb. 23, 1931, ch. 276, § 30, 46 Stat. 1214. Department of Defense—Act July 26, 1947, ch. 343, title II, § 202, 61 Stat. 500, as amended. Department of Treasury—§§ 1 and 2 of 1950 Reorg. Plan. No. 26, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, as amended. Department of Justice—§§ 1 and 2 of 1950 Reorg. Plan No. 2, eff. May 14, 1950, 15 F.R. 3173, 64 Stat. 1261, as amended. Post Office Department—§ 1 of 1949 Reorg. Plan No. 3, eff. Aug. 20, 1949, 14 F.R. 5225, 63 Stat. 1066, as amended. Department of the Interior—§§ 1 and 2 of 1950 Reorg. Plan No. 3, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, as amended. Department of Agriculture—§ 1 of 1953 Reorg. Plan No. 2, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633. Department of Commerce—§§ 1 and 2 of 1950 Reorg. Plan No. 5, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263, as amended. Department of Health, Education, and Welfare—§§ 1, 5, 6, and 7 of 1953 Reorg. Plan No. 1, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631. As amended by the foregoing authorities, the section and R.S. §§ 174 and 175 are superseded by the Act of Oct. 28, 1949, ch. 782, § 1001, 63 Stat. 971, which is carried into this revision.
174-----	5	24-----	Superseded. Required chief clerk to distribute duties to his subordinates and report to his superior officer. See note for R.S. § 173.
175-----	5	25-----	Superseded. Required supervisor to take corrective action on receipt of report under R.S. § 174. See note for R.S. § 173.
176 (last sentence).	5	44-----	Superseded. Provided additional salary for disbursing clerks, with limit of \$2,000 a year. Superseded by Classification Act of 1949, Oct. 28, 1949, ch. 782, 63 Stat. 954, which is carried into this revision.
320-----			Superseded. Section authorized Commissioner of Internal Revenue to designate a division head as chief clerk without additional compensation. Superseded by the Internal Revenue Code of 1939, Act of Feb. 10, 1939, ch. 2, § 4, 53 Stat. 1.

TABLE II-a.—*Revised Statutes*—Continued

Revised Statutes (section)	U.S. Code, 1964 ed.		Explanation
	Title	Section	
349-----	5	297-----	Obsolete. Established offices of Solicitor and Assistant Solicitor of the Treasury, Solicitor of Internal Revenue, Naval Solicitor, and Examiner of Claims for the Department of State, and fixed their salaries. The office of Naval Solicitor was abolished by the Act of June 19, 1878, ch. 329, § 1, 20 Stat. 205. The Examiner of Claims for the Department of State was redesignated Solicitor for the Department of State by the Act of Mar. 3, 1891, ch. 541, § 1, 26 Stat. 945, and the position abolished by the Act of Feb. 23, 1931, ch. 276, § 7(30), 46 Stat. 1214. The office of Solicitor of Internal Revenue was abolished by the Act of Feb. 26, 1926, ch. 27, § 1201(a), 44 Stat. 126. The offices of Solicitor and Assistant Solicitor of the Treasury were abolished by the Act of May 10, 1934, ch. 277, title III, § 512(b), 48 Stat. 759.
350-----	5	297-----	Obsolete. Provided that offices named in R.S. 349 should exercise their functions under the Department of Justice. See note for R.S. § 349.
358-----	5	308-----	Superseded. Authorized the Attorney General to refer certain questions to subordinates. Superseded by 1950 Reorg. Plan No. 2, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3173, 64 Stat. 1261, as amended, which is carried into this revision.
360-----	5	311-----	Authorized Attorney General to require any officer of the Department of Justice to perform any duties of the Department or its officers. Superseded by 1950 Reorg. Plan No. 2, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3173, 64 Stat. 1261, as amended, which is carried into this revision.
370-----	5	302-----	Superseded. Provided for reimbursement of actual and necessary traveling expenses of Department of Justice officials. Superseded by Travel Expense Act of 1949, as amended, June 9, 1949, ch. 185, 63 Stat. 166, which is carried into this revision.
371-----	5	320-----	Obsolete. Authorized Attorney General to designate disbursing officer. Made obsolete by E.O. 6166, § 4, June 10, 1933, as amended.
382-----	5	332-----	Obsolete. Section provided for action in chancery when action at law is fruitless. There is only one form of action under the Federal Rules of Civil Procedure.
446-----	43	1-----	Obsolete. Provided for appointment and salary of a Commissioner of the General Land-Office in Department of Interior. Office of Commissioner abolished and functions consolidated in a new agency in the Department by Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.
447-----	43	5-----	Obsolete. Provided for appointment and salary of a Recorder of the General Land-Office. Office of Recorder was abolished, and his functions to be exercised under Secretary of Interior, by Reorg. Plan No. 3, § 4, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232.
1706-----	22	109-----	Obsolete. Authorized office rent allowances to consuls, general consuls, and commercial agents by the President. Authority no longer exercised. Secretary of State is of opinion it is obsolete.
1754-----	5	35-----	Superseded. Provided preference for disabled veterans in Federal appointments. Superseded by § 3 of the Act of June 18, 1929, ch. 28, 46 Stat. 21, and repealed by implication by § 21 of that Act. § 3 of the Act of June 18, 1929, was superseded by the Act of June 27, 1944, ch. 287, 58 Stat. 387, as amended, which is carried into this revision. Rights preserved by § 18 of the Act of June 27, 1944, are further preserved by technical § 8 of this bill.
1774-----	5	13-----	Obsolete. Required report of appointments by the President without the advice and consent of the Senate. Report has not been made for years; purpose of report is replaced by audit system of General Accounting Office.
1775-----	5	14-----	Obsolete. Required reports of nominations rejected by the Senate or not acted on by the Senate at the end of each session. Report has not been made for years; purpose of report is replaced by audit system of General Accounting Office.

TABLE II-a.—*Revised Statutes*—Continued

Revised Statutes (section)	U.S. Code, 1964 ed.		Explanation
	Title	Section	
1778.....	5	92.....	Superseded. Authorized notaries public and United States commissioners to take oaths and acknowledgements. Superseded by Act of July 3, 1926, ch. 752, 44 Stat. 830, which is carried into this revision, and § 637 of Title 28, United States Code.
1974.....	16	657.....	Superseded. Provided for pay of agents and assistants and travel expenses to and from Alaska in the management of seal fisheries. Superseded by Act of July 1, 1916, ch. 209, § 1, 39 Stat. 321, 323 and subsequent acts.
1996.....	8	801 note.....	Obsolete and superseded. Provided that certain Civil War deserters who did not return by May 10, 1865, forfeited their rights of citizenship and became ineligible to hold a Federal position. R.S. § 1997 made R.S. § 1996 inapplicable to persons deserting after Apr. 19, 1865. R.S. § 1998 made the penalties of R.S. § 1996 applicable to deserters and draft-dodgers generally. The Act of Aug. 22, 1912, ch. 336, § 1, 37 Stat. 356, amended R.S. § 1998 to make it inapplicable to deserters in time of peace, to permit executive clemency for previous deserters, and to permit reenlistment of deserters. R.S. §§ 1996 and 1997 were placed in § 12 of Title 8, Aliens, of the 1926 edition of the United States Code. R.S. § 1998 was placed in § 11 of the same title. The Nationality Act of 1940, Oct. 14, 1940, ch. 876, title I, subch. IV, § 401(g), 54 Stat. 1168, relating to loss of citizenship for desertion in time of war, superseded the permanent and general provisions of R.S. §§ 1998 and 1996. R.S. § 1997 is now obsolete, and so is the provision of R.S. § 1998, as amended, for executive clemency for desertions prior to Aug. 22, 1912. The Immigration and Nationality Act, June 27, 1952, ch. 477, 66 Stat. 163, repealed the Nationality Act of 1940, § 403(a) (42), 66 Stat. 280, and covered loss of citizenship for deserters and draft-dodgers, § 349(a) (8), (10), 66 Stat. 268 (8 U.S.C. 1481(a) (8), (10)).
1997.....	8	801 note.....	See note for R.S. § 1996.
1998.....	8	801 note.....	See note for R.S. § 1996.
2039.....	25	21.....	Obsolete. Provided for appointment by the President of a Board of Indian Commissioners. Board abolished by Executive Order 6145, May 25, 1933.
2052.....	25	26.....	Obsolete. Provided for appointment by the President of Indian Agents and for their salaries. There have been no Indian Agents since 1908. Their services were abolished and all Indian agencies placed under superintendents. See communication of the Office of Indian Affairs, Department of Interior dated Nov. 29, 1940.
2056.....	25	28.....	Obsolete. Fixed term of office of Indian Agents. See note for R.S. § 2052.
2057.....	25	29.....	Obsolete. Provided for a bond by Indian Agents. See note for R.S. § 2052.
2058.....	25	31.....	Obsolete. Related to duties of Indian Agents. See note for R.S. § 2052.
2060.....	25	30.....	Obsolete. Prescribed limits of residence of Indian Agents. See note for R.S. § 2052.
2063.....	25	39.....	Obsolete. Prohibited compensation for extra services by Indian Agents. See note for R.S. § 2052.
2064.....	25	35.....	Obsolete. Relates to acknowledgments of deeds and other instruments and administering of oaths by Indian Agents. See note for R.S. § 2052.
2068.....	25	42.....	Obsolete. Provided for interpreters for Indian agencies under Department of Interior, and the nomination of interpreters by the agents to the Department, and suspension by the agents. See note for R.S. § 2052.

TABLE II-a.—*Revised Statutes*—Continued

Revised Statutes (section)	U.S. Code, 1964 ed.		Explanation
	Title	Section	
2077-----	25	54-----	Relates to allowance of actual expenses in traveling or a reasonable sum in lieu thereof except for travel or expenses in coming to the seat of Government to settle accounts, unless required by Secretary of Interior. Superseded by Travel Expense Act of 1949, as amended, June 9, 1949, ch. 185, 63 Stat. 166, which is carried into this revision.
2222-----	43	77-----	Obsolete. Provided for continuance by surveyor general, registers and receivers of duties after expirations of commissions, until new commissions are issued. Act of Mar. 3, 1925, 43 Stat. 1144 and 1145 abolished office of surveyor-general, and also consolidated officers of register and receiver and abolished the latter. Office of register abolished by 1946 Reorg. Plan No. 3, 403(d), eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.
2234-----	43	72-----	Obsolete. Provided for appointments by the President of registers of the land office and receivers of public moneys for each land district. Act of Mar. 3, 1925, 43 Stat. 1145, consolidated offices of registers and receivers and abolished the latter. Office of register abolished by 1946 Reorg. Plan No. 3, 403(d), eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.
2235-----	43	78-----	Obsolete. Related to residences of registers and receivers of public lands districts. Act of Mar. 3, 1925, 43 Stat. 1145, consolidated offices of registers and receivers and abolished the latter. Office of register abolished by 1946 Reorg. Plan No. 3, 403(d), eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.
2236-----	43	79-----	Obsolete. Related to the giving of bonds by registers and receivers of public lands districts. Act of Mar. 3, 1925, 43 Stat. 1145, consolidated offices of registers and receivers and abolished the latter. Office of register abolished by 1946 Reorg. Plan No. 3, 403(d), eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.
2242-----	43	88-----	Obsolete. Related to the receiving by registers or receivers of illegal fees, and penalties therefor. Act of Mar. 3, 1925, 43 Stat. 1145, consolidated offices of registers and receivers and abolished the latter. Office of register abolished by 1946 Reorg. Plan No. 3, 403(d), eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.
2243-----	43	81-----	Obsolete. Related to the beginning of compensation of registers and receivers. Act of Mar. 3, 1925, 43 Stat. 1145, consolidated offices of registers and receivers and abolished the latter. Office of register abolished by 1946 Reorg. Plan No. 3, § 403(d), eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.
2244-----	43	76-----	Obsolete. Provided for term of office and removal of registers and receivers of public lands. The office of receiver was abolished by Act of Mar. 3, 1925, 43 Stat. 1145, providing for consolidation of receivers and registers. Office of register was abolished by 1946 Reorg. Plan No. 3, § 403(d), eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.
2631-----			Unnecessary. Provided for performance of duties of collector or surveyor of customs by subordinate in case of sickness or unavoidable absence. Covered by R.S. §§ 2630, 2632, as amended, 19 U.S.C. 10, 11.
3144-----			Superseded. Authorized Secretary of the Treasury to designate collectors of internal revenue as disbursing agents for certain purposes. Superseded by E.O. 6166, § 4, June 10, 1933.
3157-----			Superseded. Provided for fees of gaugers in Internal Revenue Service. Superseded by §§ 7803-7804 of Title 26, United States Code.
3738-----			Superseded. Provided 8-hour day for laborers, workmen, and mechanics. Superseded by Acts of Aug. 1, 1892, ch. 352, §§ 1, 2, 27 Stat. 340, and Aug. 13, 1962, Pub. L. 87-581, 76 Stat. 357.

TABLE II-a.—*Revised Statutes*—Continued

Revised Statutes (section)	U.S. Code, 1964 ed.		Explanation
	Title	Section	
4404.....	46	373.....	Obsolete. Related to appointments, salaries, and expenses of supervising inspectors under the Secretary of the Treasury. The offices were abolished by 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.
4414.....	46	382.....	Obsolete. Related to numbers and salaries of local inspectors of hulls and boilers, appointments and salaries of assistants and clerks under the Secretary of the Treasury. The offices were abolished by 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.
4415.....	46	384.....	Obsolete. Related to qualifications and appointments of local inspectors of hulls and boilers under the Secretary of the Treasury. The offices were abolished by the 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.
4416.....	46	385.....	Obsolete. Related to qualifications for appointment to the positions of supervising and local inspectors of hulls under the Secretary of the Treasury. The offices were abolished by the 1946 Reorg. Plan No. 3 §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.
4840.....	24	162.....	Obsolete. Related to appointment by President of a Board of Visitors, St. Elizabeths Hospital, D.C. Board of Visitors and its functions abolished by 1946 Reorg. Plan No. 2, § 9, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1096.
4841.....	24	163.....	Obsolete. Provided for selection by Board of Visitors, St. Elizabeths Hospital, D.C., of a president. See note for R.S. § 4840.
5305.....	50	209.....	Superseded. Provided for appointments by Secretary of Treasury, and limited additional compensation, of officers, where customs officers are not authorized by law to carry into effect regulations regarding licenses to trade in a state or section in insurrection. Superseded by Act of Aug. 1, 1914, ch. 223, § 1, 38 Stat. 623, and Act of Oct. 28, 1949, ch. 782, 63 Stat. 954, which is carried into this revision.
5314.....	50	218.....	Obsolete. Related to authority of President in the collection of duties to change ports of entry in case of insurrection; that in such a case the surveyor at the port of delivery shall have the power of a collector at a port of entry; and that weighers, etc., as necessary shall be appointed at such ports of delivery. Office of surveyor was abolished by Act of July 5, 1932, 47 Stat. 584. Remainder superseded by Acts of Aug. 1, 1914, ch. 223, § 1, 38, Stat. 623, as amended, and Mar. 4, 1923, ch. 251, § 2, 42 Stat. 1953, as amended. (19 U.S.C. 2, 6).

TABLE II-b.—*Statutes at Large*

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1874 June 11	275		18	66			Expired and superseded. Made appropriations for the consular and diplomatic service and established new positions and pay schedules.
June 20	328	1 (2d sentence of 1st par. under "United States Mints and Assay Offices").	18	96	31	265, 268	Superseded. Provided for pay of employees of the mints. Superseded by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954, which is carried into this revision.
Do	344	2-5	18	127			Obsolete. Provided for appointment and pay of certain employees of the Life Saving Service. The Life Saving Service was consolidated with the Revenue Cutter Service to form the Coast Guard, Act of Jan. 8, 1915, ch. 20, § 1, 38 Stat. 800. Superseded by Act of Aug. 4, 1949, ch. 393, § 1, 63 Stat. 495 (14 U.S.C.).
June 22	389	2	18	176			Obsolete. Continued Board of Indian Commissioners. See note for R.S. § 2039.
Do	391	23	18	190			Superseded. Established salaries of certain customs officers. Superseded by Act of Oct. 28, 1949, ch. 782, 63 Stat. 954, which is carried into this revision.
June 23	459		18	245			Expired. Established Court of Commissioners of Alabama Claims, prescribed duties and pay.
1875 Jan. 22	36	12	18	309			Superseded. Provided for appointment and pay of deputy collectors of internal revenue. Superseded by §§ 7803 and 7804 of Title 26, U.S.C., and the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954, which is carried into this revision.
Mar. 3	129	1 (last 23 words of 1st full par. on p. 349).	18	349	5	153	Superseded. Authorized Secretary of State to appoint chief of Bureau of Accounts disbursing clerk for Department. Superseded by E.O. 6166, § 4, June 10, 1933.
Do	130	3	18	399	12	127	Superseded. Provided for appointment and pay of certain employees of the Treasury Department. Superseded by the Act of June 26, 1930, ch. 618, 46 Stat. 817, and the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954, which are carried into this revision.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1875 Mar. 3	130	10	18	401			Amended R.S. § 2688 to add provision for pay of certain customs officers. R.S. § 2688 was repealed by Act of Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1428.
Do	132	5	18	449			Obsolete. Provided for appointment and pay of employees at Indian agencies. See note for R.S. § 2052. Pay provisions are superseded by the Classification Act of 1949, Oct. 28, 1949, ch. 782, 63 Stat. 954, which is carried into this revision.
Do	132	10	18	450	25	37	Obsolete. Section related to bonds and accounting of Indian agents and provided a criminal penalty and dismissal for falsification of accounts. See note for R.S. § 2052.
Do	147		18	480			Superseded. Provided for appointment and pay of certain gaugers in the Customs Service. Superseded by Act of Mar. 4, 1923, ch. 251. § 2, 42 Stat. 1453, as amended (19 U.S.C. 6).
Do	153		18	483			Superseded. Amended R.S. §§ 1675, 1676, 1681, and 1682 to provide for pay of certain officers of the diplomatic and consular service. R.S. § 1675 was repealed by Act of Aug. 13, 1946, ch. 957, § 1131(3), 60 Stat. 1035; R.S. §§ 1676 and 1682 were repealed by Act of Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1429; and R.S. § 1681 was repealed by Act of Feb. 25, 1885, ch. 150, 23 Stat. 323. Superseded by Act of Aug. 13, 1946, ch. 957, 60 Stat. 999 (22 U.S.C. 801 et seq.).
Do	157		18	486			Obsolete. Discontinued consulate at Amoor River; made Vladivostok a class five consulate, and provided exceptions from prohibition against engaging in business for three consuls. Superseded by the Act of Aug. 13, 1946, ch. 957, 60 Stat. 999 (22 U.S.C. 801 et seq.).
June 2	Proc. 1		19	661			Executed. Extended Court of Alabama Claims for 6 months from July 22, 1875.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1876 Apr. 25	78.....	2.....	19	36	-----	-----	Obsolete. Provided for appointment and pay of a register and a receiver in the Beaver land district, Territory of Utah. See note for R.S. § 2234.
July 12	180.....	14.....	19	87	-----	-----	Superseded. Authorized Commissioners of the District of Columbia to reduce, adjust, and equalize salaries of employees payable from funds of the District government. Superseded by Acts of Oct. 28, 1949, ch. 782, 63 Stat. 954; Oct. 25, 1951, ch. 560, § 2, 65 Stat. 637; June 20, 1953, ch. 146, 67 Stat. 72; Aug. 5, 1955, ch. 569, 69 Stat. 521; and July 14, 1956, ch. 590, § 1, 70 Stat. 532.
July 22	225.....	-----	19	96	-----	-----	Executed. Extended Court of Alabama Claims until January 1877, and powers of its clerk for not more than 2 months after termination of the Court.
July 24	226.....	2.....	19	100	-----	-----	Obsolete and superseded. Amended R.S. § 1273 and provided for the giving to Army officers of mileage allowances when not furnished transportation, but no additional pay or allowances for duties of a civil nature in any executive department. R.S. § 1273 was repealed by the Act of Mar. 3, 1933, ch. 202, 47 Stat. 1428. Remainder is superseded by the Act of Oct. 12, 1949, ch. 681, title III, § 303, 63 Stat. 813 (37 U.S.C. 404-411), or covered by sections 5531-5535 of this revision.
Do.....	226.....	3.....	19	100	-----	-----	Superseded. Authorized the Secretary of War to appoint one trader at every military post. Authority terminated by Act of Jan. 28, 1893, ch. 51, 27 Stat. 426.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1876 July 24	226-----	4-----	19	101	-----	-----	Obsolete. Provided that the matter of reform and reorganization of the Army of the United States shall be referred to a Commission created therein, constitution of the Commission and appointments of members, their duties and expenses of the Commission. Organization of the Army now covered by Title 10, United States Code.
July 31	246-----	(Proviso and 1st full par. on p. 105).	19	105	-----	-----	Superseded. Provided for examination of applicants for employment by the Public Printer, and for appointment and duties of Public Printer. Superseded by the Act of Jan. 12, 1895, ch. 23, 28 Stat. 601.
Aug. 9	256-----	2-----	19	126	-----	-----	Provided for appointment by the President of a register and a receiver in the land district of Evanston, Territoy of Wyoming. See note for R.S. § 2234.
Aug. 14	270-----	2-----	19	140	-----	-----	Superseded. Provided that the appraiser of the port of St. Paul, Minn., shall receive the same salary as the deputy collector of that port. Superseded by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954, which is carried into this revision.
Aug. 15	287-----	1 (3d full par. on p. 152, less 1st sentence; and 4th full par. on p. 152).	19	152	-----	-----	Related to Appropriation Act of 1876, Treasury Department for varying fees, salaries, and expenses of officials and employees, with certain limitations, w.a.e. appointments, compensation and hotel expenses of special agents, and bonds of storekeeper-gaugers. Superseded. Prescribed limits on compensation of storekeepers and gaugers of internal revenue; limited number of internal revenue districts; vested powers of transfer and supervision of employees in the Commissioner of Internal Revenue, and other powers in the collectors; provided for appointment and pay of special agents; provided for regulation of stamping of

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1876 Aug. 15	287-----	3-----	19	169	5	37	distilled spirits by the Commissioner of Internal Revenue; authorized Secretary of the Treasury to appoint storekeeper-gaugers and fixed their pay and bond. Superseded by the Act of Oct. 28, 1949, ch. 732, 63 Stat. 954, and Title 26, United States Code.
Do....	307-----	2-----	19	207			Superseded. Provided for preference of honorably discharged soldiers and sailors, and their widows and orphans, in reductions in force in executive departments. Superseded by § 12 of the Veterans' Preference Act of June 27, 1944, 58 Stat. 390, which is carried into this revision. Rights preserved by § 18 of the Act of June 27, 1944, are preserved by technical § 8 of this bill.
1877 Jan. 16	22-----		19	222			Obsolete. Authorized President to appoint a register and a receiver for a land office at Colfax, Territory of Washington. See note for R.S. § 2344.
Do....	23-----		19	222			Obsolete. Provided for oath, bond, and duties of constables in the District of Columbia. Office of constable was abolished by Act of Mar. 3, 1901, ch. 854, § 41, 31 Stat. 1195.
1878 May 2	78-----		20	47			Superseded. Authorized Recorder of Deeds, District of Columbia, to appoint a deputy with power to act as Recorder in case of a vacancy in that office, provided there is no additional expense incurred by deputy and no other fees are allowed. Superseded by Act of Mar. 3, 1901, ch. 854, §§ 549, 550, 31 Stat. 1275, 1276.
							Obsolete. Provided that oath of office required by custom officers in Alaska may be taken before a judge of any U.S. circuit or district court until the Territory of Alaska is formally organized. The Territory was formally organized, Act of Aug. 24, 1912-37 Stat. 512, 48 U.S.C. 21.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Vol- ume	Page	Title	Section	
1878 May 27	142-----	1 (provisos)-----	20	65	-----	-----	Obsolete. Prescribed salaries for Indian agents. See note for R.S. § 2052.
June 7	162-----	2-----	20	100	-----	-----	Executed. Provided that terms of justices of peace in office in District of Columbia shall end on 30th day after approval of this act.
Do-----	162-----	4-----	20	100	-----	-----	Obsolete and superseded. Authorized Supreme Court of the District of Columbia to fix bonds of justices of the peace and constables, to regulate transfer of business, and to remove constables. Office of constable was abolished by Act of Mar. 3, 1901, ch. 854, § 41, 31 Stat. 1195. Remainder superseded by Act of Mar. 3, 1901, ch. 854, §§ 3, 40, 31 Stat. 1190, 1195.
June 11	180-----	11-----	20	107	-----	-----	Superseded. Provided for salaries of health officer and other employees of health office, District of Columbia. Superseded by 1952 Reorg. Plan No. 5, § 4, 66 Stat. 826.
June 14	188-----	(1st proviso and par. which begins "First").	20	112	-----	-----	Provided for fees of examining surgeons for examinations of pensioners, and also for salaries of pension agents. Fees of examining surgeons superseded by Act of Sept. 22, 1922, ch. 417, 42 Stat. 1030. Pension agents and agencies abolished by Act of Aug. 17, 1912, ch. 301, 37 Stat. 312.
Do-----	196-----	-----	20	132	-----	-----	Superseded and executed. Provided (1) for appointment, salary, and powers of a district court judge for the Western District, Tennessee, and terms of the court, and (2) for assignment of present judge and repeal of inconsistent laws. (1) superseded by Act of June 25, 1948, ch. 646, 62 Stat. 869, and (2) is executed.
Do-----	198-----	-----	20	133	-----	-----	Expired. Provided annual salaries from June 1874 to February 1877 for collectors of customs at Plymouth and Nantucket, Mass.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Vol- ume	Page	Title	Section	
1787 June 15	215-----	3-----	20	137			Superseded. Provided for appointments by Commissioners, District of Columbia, of three Commissioners of Pharmacy without compensation and also their term of office and oath. Superseded by Act of May 7, 1906, § 8, 34 Stat. 177.
Do-----	215-----	8-----	20	138			Superseded. Provided for payment of Commissioners of Pharmacy, District of Columbia, by fees from persons examined and registered as pharmacists. Superseded by Act of May 7, 1906, § 10, 34 Stat. 179.
June 18	269-----	2-----	20	166			Superseded. Provided for appointment of a deputy marshal at Fort Wayne. Superseded by the Act of June 25, 1948, ch. 646, 62 Stat. 869.
June 19	329-----	1 (last sentence in 1st par. under "Office of the Attorney General").	20	205	5	297	Executed. Abolished office of naval solicitor. See note for R.S. § 349.
June 20	359-----	1 (1st 28 words of 3d par. under "District of Columbia").	20	208			Superseded. Related to an appropriation act for fiscal year ending June 30, 1879, authorizing Commissioners, District of Columbia, to fix salaries of officers and privates, Metropolitan police. Superseded by Act of June 20, 1953, 67 Stat. 72.
1879 Jan. 24	21-----		20	264			Superseded. Provided that in case of death, resignation, and absences of Secretary, Smithsonian Institution, the Chancellor of the Institution was authorized to appoint an Acting Secretary. Superseded by Act of May 13, 1884, ch. 44, 23 Stat. 21.
Jan. 27	26-----	1 (last proviso)---	20	267			Superseded. Provided for fees of examining surgeons for examinations of pensioners. Superseded by Act of Sept. 22, 1922, ch. 417, 42 Stat. 1030.
Jan. 31	38-----		20	277			Superseded. Provided that Feb. 22 (Washington's Birthday) was a legal holiday in the District of Columbia. Superseded by Act of Aug. 30, 1964, Pub. L. 88-509, § 1, 78 Stat. 671; D.C. Code § 28-2701.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1879 Feb. 4	48-----	2-----	20	282	-----	-----	Obsolete. Provided for appointment of a register and a receiver of public moneys for Oneida land district in the Territory of Idaho. Act of Mar. 3, 1925, 43 Stat. 1145, consolidated offices of register and receiver and abolished the latter. Registers abolished by 1946 Reorg. Plan No. 3, § 403(d), eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100. See note under 43 U.S.C. 1.
Feb. 24	97-----	7-----	20	320	-----	-----	Superseded. Provided for appointment and compensation of a U.S. district court judge for the northern district of Texas. Superseded by Act of Mar. 3, 1911, ch. 231, 36 Stat. 1087.
Do-----	97-----	9-----	20	320	-----	-----	Superseded. Provided for appointment by the judge, U.S. District Court, Northern Texas, of a clerk of said court and for appointment by the latter of two deputies. Superseded by the Act of Mar. 3, 1911, ch. 231, 36 Stat. 1087.
Feb. 25	99-----	1-----	20	320	-----	-----	Superseded. Provided for appointment and salary of an additional associate justice, Supreme Court of the District of Columbia. Superseded by the Act of Mar. 3, 1901, ch. 854, § 60, 31 Stat. 1199.
Feb. 26	103-----	-----	20	322	-----	-----	Superseded. Provided for pay of naval officers of various districts and surveyors of various ports. Superseded by Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
Mar. 3	177-----	2-----	20	355	-----	-----	Superseded. Provided for functions of clerks and marshals and appointment of deputies at Fort Scott, Kans. Superseded by the Act of June 25, 1948, ch. 646, § 1, 62 Stat. 911, 920.
Do-----	182-----	1 (2d sentence under "Public Buildings").	20	391	40	165	Obsolete. Provided that the disbursing clerk of the Department of Interior shall act as disbursing clerk of the Architect of the Capitol and receive an annual compensation therefor. Superseded by § 4, Exec. Order No. 6166 of June 10, 1933.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1879 Mar. 3	194.....	2.....	20	473	-----	-----	Obsolete. Provided for appointment by the President of an additional justice of the Supreme Court of the Territory of Dakota which is now a State.
1880 Jan. 13	4.....	(last proviso)....	21	60	-----	-----	Superseded. Provided for fees of examining surgeons for examinations of pensioners. Superseded by Act of Sept. 22, 1922, ch. 417, 42 Stat. 1030.
Jan. 24	13.....	-----	21	62	-----	-----	Superseded. Authorized appointment and pay of a deputy collector of customs at Seaford, Del. Superseded by Act of Mar. 4, 1923, ch. 251, § 2, 42 Stat. 1453, as amended (19 U.S.C. 6), and Act of Oct. 28, 1949, ch. 782, 63 Stat. 954, which is carried into this revision.
Apr. 16	J.R. 22.....	-----	21	304	-----	-----	Superseded. Provided legal holidays with pay for Government Printing Office employees. Superseded by Act of June 7, 1924, ch. 354, § 1, 43 Stat. 658.
June 10	189.....	-----	21	173	-----	-----	Superseded. Provided for an increase by the Secretary of Treasury in compensation of night inspectors of customs, at ports he may think advisable, to a sum not exceeding, \$3. Superseded by Act of Feb. 13, 1911, ch. 46, § 5, 36 Stat. 901.
1881 Feb. 26	80.....	1 (4th proviso)....	21	350	-----	-----	Superseded. Provided for fees of examining surgeons for examinations of pensioners. Superseded by Act of Sept. 22, 1922, ch. 417, 42 Stat. 1030.
Mar. 3	144.....	6.....	21	507	-----	-----	Superseded. Provided for appointment and pay of a judge and clerk for the western district of Louisiana and for appointment and pay of a clerk to the circuit court. Superseded by the Act of Mar. 3, 1911, ch. 231, 36 Stat. 1113.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1882 Mar. 6	25-----	(last sentence)---	22	13	-----	-----	Obsolete. Provided for appointment and salary of a surveyor of customs at the port of Denver, Colo. The Act of July 5, 1932, 47 Stat. 584, abolished the offices of surveyors of customs (except at the Port of New York).
Mar. 22	47-----	9-----	22	32	-----	-----	Obsolete. Provided for appointment, term of office, and salary of a board of five persons to execute duties of registration and election offices in the former Territory of Utah.
May 17	163-----	1 (last 2 sentences on p. 70).	22	70	-----	-----	Obsolete. Provided for powers and duties of Board of Indian Commissioners. See note for R.S. § 2039.
Do----	163-----	1 (2d proviso on p. 86).	22	86	25	55	Superseded. Provided for per diem in lieu of subsistence for employees of the Indian Service in travel status. Superseded by the Act of June 9, 1949, ch. 185, 63 Stat. 166.
Do----	163-----	1 (so much as amends R.S. § 2056).	22	87	-----	-----	Obsolete. Provided for term of office of Indian agents. See note for R.S. § 2052.
June 5	195-----	2-----	22	98	-----	-----	Expired. Related to the reestablishment of the Court of Commissioners of Alabama Claims, and provided for the appointment and compensation of judges, a clerk and reporter, and a counsel for the United States. Sec. 3 of this Act provided that the reestablished court shall exist 2 years. See note for Act of June 23, 1874, ch. 459, 18 Stat. 245.
June 15	218-----	4-----	22	102	-----	-----	Superseded. Provided for appointment, powers, etc., of a clerk and deputy for the northern judicial district of Mississippi. Superseded by the Act of Mar. 3, 1911, ch. 231, 36 Stat. 1113.
June 19	230-----	3-----	22	106	-----	-----	Obsolete. Authorized appointment and pay of a register and receiver for each of two additional land districts in Nebraska. See note for R.S. § 2234.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1882 July 7	277-----		22	153			Obsolete. Provided for the creation of a local board of inspectors of hulls and boilers of steam vessels at Gallipolis, Ohio, by transfer of inspectors from other points, and for their annual compensation, and the filling of vacancies as provided in R.S. § 4415. See note for R.S. § 4414.
Aug. 3	376-----		22	214			Superseded. Provided for admission and exclusion of immigrants, levied duty to defray expense, and provided for carrying out functions by customs officers and, under contract, by State boards and officers. Superseded by the Act of June 27, 1952, ch. 477, 66 Stat. 163.
Aug. 5	389-----	1 (proviso under "Pension Office").	22	248			Obsolete. Provided that in case of death, resignation, absence, or sickness of the Commissioner of Pensions his duties devolve upon the first deputy until a successor is appointed or sickness ceases, and in case of the like absences of the Commissioner and first deputy the second deputy shall act as Commissioner. The office of Commissioner of Pensions was consolidated into the Veterans' Administration by Executive Order No. 5398, July 21, 1930.
Do----	389-----	4 (255th through 296th words).	22	255	5	39	Superseded and repealed. Prohibited the detail of an employee from the field to the departmental service. Superseded and repealed by §§ 6 and 8 of the Act of June 22, 1906, ch. 3514, 34 Stat. 449.
Do----	399-----		22	301			Obsolete. Provided for the salary of a charge d'affaires and consul general in Persia. This law amended R.S. § 1675 which was repealed by the Act of Aug. 13, 1946, ch. 957, § 1131(3), 60 Stat. 1035.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1882 Aug. 7	433	1 (last sentence of 9th par. on p. 306).	22	306			Superseded. Provided for compensation of disbursing agents appointed to disburse any appropriation for any U.S. public building or grounds outside the city of Washington. Superseded by Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
Do.	433	1 (last par. under "For the Suppression of Bigamy").	22	313			Executed. Authorized compensation of officers of election, expenses for clerical hire, and appointments by the Governor of the Territory of Utah of officers to fill vacancies and hold office until successors were elected and qualified, for a term not to exceed 8 months.
Do.	433	1 (par. beginning on p. 328 and ending on p. 329).	22	328			Obsolete. Provided limitation on expenditures for employees where Indian agencies are consolidated. See note for R.S. § 2052.
Do.	436		22	344			Superseded. Related to Territories of New Mexico and Arizona which are now States. Provided for the extension of fees and costs allowed clerks, marshals, and attorneys of the circuit and district courts of the United States to all officers in the Territories of New Mexico and Arizona, with a limitation on the district attorney. Superseded by the Act of June 25, 1948, ch. 646, 62 Stat. 869.
1883 Jan. 13	23		22	402			Superseded. Provided for extra work and pay by the Government Printing Office in emergencies and on Sundays and legal holidays, or between midnight and 8 a.m. excepting that done by regular organized night forces. Superseded by the Act of Mar. 3, 1891, ch. 550, 26 Stat. 1084.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1888 Jan. 16	27-----	6-----	22	405	-----	-----	Obsolete and superseded. Section required Secretary of the Treasury and Postmaster General, within 60 days, to classify employees conformably to R.S. § 163, and directed heads of executive departments and other offices, from time to time, to classify and reclassify their employees for the purposes of examination under the Act of which this section was a part. R.S. § 163 established four classes of employees for pay purposes. R.S. § 163 was superseded by the Classification Act of 1923, and was repealed by the Act of Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1428. The Classification Act of 1923 was in turn superseded and repealed by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954, which is carried into this revision. Insofar as this section applied to conversion to competitive status and examination therefor it is covered by § 2102 and ch. 33 of this revision.
Jan. 31	41-----	3-----	22	412	-----	-----	Superseded. Provided for details by Commissioners, District of Columbia, of privates of the police force for special service in the detection and prevention of crime, with the pay allowed to the detective force. Superseded by Act of Feb. 28, 1901, ch. 623, 31 Stat. 820.
Mar. 1	61-----	8-----	22	451	-----	-----	Superseded. Prohibited payments on credit in cases of misrepresentation of fact in any voucher, account, or claim of any officer of the United States relating to the Indian Service and provided for recharge and recovery of credit and payments made. Superseded by Act of July 4, 1884, ch. 180, § 8, 23 Stat. 97 (25 U.S.C. 88).

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1883 Mar. 3	101		22	484			Obsolete. Provided that certain fees allowed registers of land and receivers of public moneys should not be considered in determining the maximum compensation of the officers, and that registers of land and receivers of public moneys should furnish plans or diagrams of townships with vacant and taken lands, and lists of lands sold with names of purchasers for taxation purposes, in their districts, and should be allowed compensation in these instances, but the sums received should not be considered in determining the maximum compensation of said officers. See note for R.S. § 2234.
Do.	128	4	22	563			Superseded. Provided for a 7-hour workday, excepting Sundays and public holidays, in executive departments subject to extension without additional compensation or the limiting of hours by special order of department heads, and also limitation on leaves of absence without pay. Superseded by the Act of June 30, 1945, ch. 212, title VI, § 604(a), 59 Stat. 303, and the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679, which are carried into this revision.
Do.	135		22	567			Superseded. Provided a fixed salary for the Collector of Customs, district of Chicago, Ill. Superseded by the Act of Oct. 28, 1949, ch. 782, 62 Stat. 954.
Do.	137	3	22	568			Superseded. Provided that Commissioners, District of Columbia, should appoint assessors, who should file bonds and take oath of office, and fill vacancies if appointees fail to qualify or enter upon or discharge duties. Superseded by Act of Aug. 14, 1894, ch. 287, § 2, 28 Stat. 282, as amended (D.C. Code 47-604).

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Vol- ume	Page	Title	Section	
1883 Mar. 3	137-----	10-----	22	570	-----	-----	Provided for pay of assessors of the District of Columbia. Superseded by the Act of Aug. 14, 1892, ch. 287, § 2, 28 Stat. 282, and the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
Do....	137-----	14-----	22	570	-----	-----	Superseded. Provided that assessors of District of Columbia may administer oaths; that he shall have the power of summons; that subpoenas may be served in this connection; that witnesses may be allowed fees, and that false oaths shall be punished according to the laws of perjury. Superseded by Act of Aug. 14, 1894, ch. 287, § 13, 28 Stat. 285 (D.C. Code 47-606).
Do....	140-----	4-----	22	582	-----	-----	Obsolete. Provided for appointments or registers of land and receivers of public moneys for three additional land districts in the Territory of Dakota. See note for R.S. § 2234.
1884 Mar. 31	18-----	-----	23	6	-----	-----	Superseded and executed. Section 1 provided that the Public Printer should employ such persons to prepare an index of the Congressional Record as should be designated by the Joint Committee on Printing; that the Joint Committee should also fix and regulate the compensation for said work; and that there may be employed and paid on such work, persons who are also employed and paid in any other office or employment under the Government. Superseded by the Act of Jan. 12, 1895, ch. 23, § 14, 28 Stat. 603. Section 2 repealed existing law and is executed.
May 1	37-----	(par. under "Indian Office").	23	17	-----	-----	Executed and superseded. Provided (1) that certain sums of money would be paid by the Secretary of the Interior to employees temporarily employed in the Indian Service from Jan. 1 to July 1, 1884; and (2) that no Department or office of the United States shall thereafter accept

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1884 May 17	53-----	2-----	23	24	-----	-----	voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of emergencies involving loss of human life or destruction of property. (1) is executed and (2) was superseded by the Act of Feb. 27, 1906, ch. 510, § 3, 34 Stat. 48.
Do....	53-----	3-----	23	24	-----	-----	Obsolete. Provided for appointment, powers, and duties of the Governor of the Territory of Alaska. The President proclaimed Alaska a State, Proc. No. 3269, Jan. 5, 1959, 24 F.R. 81, 73 Stat. c16, pursuant to the Act of July 7, 1958, Pub. L. 85-508, 72 Stat. 339.
Do....	53-----	4-----	23	24	-----	-----	Superseded. Created a United States District Court for the District of Alaska; provided for appointment of a judge and for terms of court; and authorized employment of interpreters and allowances for expenses. Superseded by §§ 81A, 132, 133, 138, 141, and 961-962, and ch. 49 of Title 28, United States Code.
Do....	53-----	5-----	23	25	-----	-----	Superseded. Provided for appointment and duties of clerk, and appointment of a district attorney and a marshal. Superseded by §§ 501, 541, and 751 of Title 28, United States Code.
Do....	53-----	6-----	23	25	-----	-----	Obsolete and superseded. Provided for appointment, powers, and accounting for fees of United States Commissioners for the district of Alaska; and for an inquiry and report by the Governor appointed pursuant to § 2 of the Act (see note). So much as relates to commissioners was superseded by §§ 631-639 of Title 28, United States Code.
Do....	53-----	6-----	23	25	-----	-----	Superseded. Provided for powers of marshal for the district of Alaska; and for appointment and powers of deputies. Superseded by §§ 542, 547, and 549 of Title 28, United States Code.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1884 May 17	53.....	9.....	23	26			Superseded. Provided for appointment of a Governor and other officials of Alaska for a term of 4 years, oaths of office, salaries and fees of officers, expenses and bonds of clerks and commissioners for the faithful performance of their duties. See note for § 2 of this Act.
Do....	53.....	12.....	23	27			Executed. Provided for the appointment of two officers, together with the Governor of Alaska, constituting a commission to examine into and report upon the condition of Indians residing in Alaska, and appropriated \$2,000 for expenses of the commission.
June 3	62.....	.....	23	33			Executed. Extended to Dec. 31, 1885, the existence of the Court of Commissioners of Alabama Claims. See note for Act of June 23, 1874, ch. 459, 18 Stat. 245.
June 11	75.....	.....	23	40			Obsolete. Amended R.S. § 2743 to provide for the annual salary payable quarterly to the special examiner of drugs, etc., Boston, Mass. R.S. § 2743 was repealed by the Act of Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1428.
June 12	80.....	.....	23	41			Obsolete. Provided for a legislature for the Territory of Dakota.
June 26	121.....	27.....	23	59	46	541	Obsolete. Provided for appointment, removal, filling of vacancies, and compensation of Shipping Commissioners and the appointment and compensations of their clerks. Office of Shipping Commissioners was abolished by 1946 Reorg. Plan No. 3, § 104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.
July 5	221.....	6.....	23	119	46	5	Obsolete. Provided for appointment and pay of Commissioner of Navigation and for additional clerks for Bureau of Navigation. The Bureau of Navigation was consolidated into the Bureau of Navigation and Steamboat Inspection by the Act of June 30, 1932, ch. 314, §§ 501,

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1884 July 7	331-----	1 (2d proviso under "Commissioner of Internal Revenue" and following sentence).	23	172	-----	-----	502, 47 Stat. 415. The name of the Bureau was changed to Bureau of Marine Inspection and Navigation by the Act of May 27, 1936, ch. 463, § 1, 40 Stat. 1380. The Bureau and the position of its chief were abolished by 1946 Reorg. Plan No. 3, § 104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.
Do-----	331-----	1 (words between 1st and 2d semicolons under "General Land Office").	23	186	-----	-----	Superseded. Provided for pay of storekeepers and storekeeper-gaugers; limited the number of such positions; and limited number of special agents. Superseded by §§ 4010, 4011 of 1939 Internal Revenue Code, Feb. 10, 1939, ch. 2, 53 Stat. 1.
Do-----	333-----	(2d par. under "Schedule C").	23	233	-----	-----	Obsolete. Provided for appointment, duties, and pay of an assistant commissioner of the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.
Do-----	334-----	1 (sentence beginning on 5th line of p. 237).	23	237	-----	-----	Superseded. Provided that no consul or consul general shall be allowed any part of any salary appropriated for the payment of secretaries of legations or interpreters. Superseded by the Act of Feb. 25, 1885, ch. 150, 23 Stat. 329, which was repealed by the Act of Aug. 19, 1964, Pub. L. 88-448, § 402(a)(5), 78 Stat. 492.
							Superseded. Provided that it shall not be lawful for any consular officer to appropriate to his own use or expend from the amount received from fees of his office any sum in excess of the allowance of salary and fees directly authorized by law, and consular officers paid exclusively by fees and consuls paid in part by salary and in part by fees shall only appropriate to their own use or expend such portions of the fees as is authorized by law. Superseded by the Act of Apr. 5, 1906, ch. 1336, 34 Stat. 99.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1884 July 7	334-----	1 (1st full par. on p. 242).	23	242	-----	-----	Obsolete. Provided for payments to referees appointed by the Court of Claims under the Act of June 16, 1880, ch. 243, 21 Stat. 284, empowering the court to hear certain claims against the District of Columbia; that the moneys appropriated shall not be paid to any referee in the paid employment of the Government; and that hereafter persons in the employ of the Government shall not receive pay for acting as referee. Claims under the Act of June 16, 1880, were required to be filed within 6 months of the date of enactment or of termination of legal disability.
1885 Mar. 3	343-----	1 (words between 1st and 2d semicolons under "General Land Office").	23	416	-----	-----	Obsolete. Provided for assistant commissioner of the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.
Do-----	357-----		23	444	-----	-----	Obsolete. Provided for an increase in salary of the Clerk of the Court of Commissioners of Alabama Claims. See note for Act of June 23, 1874, ch. 459, 18 Stat. 245.
Do-----	359-----	1 (1st par. under "Tenth Census").	23	462	-----	-----	Executed and superseded. Provided for abolishment of the Office of the Tenth Census and the terms of office of the superintendent and all employees appointed under the Act of Mar. 3, 1879, the transfer of all unfinished work and records to the Secretary of Interior, and appointment by the Secretary of a clerical force and their salaries. Superseded by the Act of Aug. 31, 1954, ch. 1158, § 1, 68 Stat. 1012.
1886 June 2	416-----		24	77	-----	-----	Executed and obsolete. Provided for closing up the business and paying the expenses of the Court of Commissioners of Alabama Claims. See note for Act of June 23, 1874, ch. 459, 18 Stat. 245.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1886							
June 30	572-----	-----	24	91	-----	-----	Superseded. Granted leave of absence with pay to employees of the Government Printing Office. Superseded by the Act of Jan. 7, 1895, ch. 19, § 23, 28 Stat. 601.
July 2	611-----	(2d sentence in par. which begins "For fees and expenses").	24	122	-----	-----	Superseded. Provided for fees of examining surgeons for examinations of pensioners. Superseded by Act of Sept. 22, 1922, ch. 417, 42 Stat. 1030.
July 31	827-----	1 (words between 1st and 2d semicolons under "General Land Office").	24	199	-----	-----	Obsolete. Provided for assistant commissioner of the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.
Aug. 2	842-----	-----	24	213	-----	-----	Superseded. Provided for the appointment and compensation of a district judge for the southern judicial district of the State of Alabama. Superseded by the Act of Mar. 3, 1911, ch. 231, 36 Stat. 1087.
1887							
Feb. 23	J.R. 6--	-----	24	644	5	86 note	Superseded. Provided for allowance of pay to all per diem employees of the Government on days each year celebrated as "Memorial" or "Decoration Day" and the Fourth of July as holidays. Superseded by joint resolution of June 29, 1938, ch. 818, 52 Stat. 1246, 1247, which is carried into this revision.
Mar. 1	313-----	(2d sentence in par. which begins "For fees and expenses").	24	440	-----	-----	Superseded. Provided for fees of examining surgeons for examinations of pensioners. Superseded by Act of Sept. 22, 1922, ch. 417, 42 Stat. 1030.
Mar. 3	392-----	1 (words between 1st and 2d semicolons under "General Land Office").	24	622	-----	-----	Obsolete. Provided for assistant commissioner of the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.
1888							
May 2	227-----	-----	25	134	-----	-----	Obsolete. Amended R.S. §§ 2595 and 2596 to provide two customs collection districts at the port of St. Paul and Duluth, Minn., and a collector and deputy collector at St. Paul and a collector at Duluth. R.S. §§ 2595 and 2596 were repealed by the Act of Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1428.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1888 May 14	251	2	25	147			Executed and obsolete. Related to the organization of Latah County, Territory of Idaho. Appointed three persons as commissioners of Latah County and provided for their compensation.
Do	251	3	25	147			Obsolete. Related to the organization of Latah County, Territory of Idaho. Authorized commissioners of the county to appoint county officers under the laws of the Territory and provided that commissioners and other county officers shall hold their offices until the next general election under Territorial laws and until their successors are elected and qualified.
May 15	255	1	25	150			Obsolete. Provided for appointment and compensation of a special agent to pay to Indians of Omaha Tribe in Nebraska a certain sum of appropriated money per capita, as the last installments secured to said Indians under a treaty. See note for R.S. § 2052.
May 21	297	3	25	153			Obsolete. Provided for appointment and compensation of a register and receiver for the Harney Land District, Oreg. See note for R.S. § 2234.
June 4	341	2	25	167			Obsolete. Provided for appointment and pay of a customs surveyor at Grand Rapids, Mich. The position was abolished by Act of July 5, 1932, ch. 430, title I, § 1, 47 Stat. 584.
June 13	389	3	25	182			Superseded. Provided for appointment, pay, and allowances of employees of the Department of Labor. Superseded by R.S. § 169, as amended; the Act of Aug. 2, 1946, ch. 744, § 15, 60 Stat. 810; the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954; and the Act of June 9, 1949, ch. 185, 63 Stat. 166, which are carried into this revision.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1888 June 13	389-----	4-----	25	182	-----	-----	Superseded. Provided for performance of duties of Commissioner of Labor in case of vacancy. Superseded by 1950 Reorg. Plan No. 6, §§ 1, 2, 15 F.R. 3174, 64 Stat. 1263.
June 18	391-----	-----	25	185	-----	-----	Superseded. Provided that the day upon which the President of the United States is inaugurated, otherwise called Inauguration Day, shall be a holiday in the District of Columbia. Superseded by the Act of Mar. 3, 1901, ch. 854, § 1636, 31 Stat. 1434, and the Act of Aug. 24, 1951, ch. 544, § 2, 65 Stat. 607.
June 25	486-----	-----	25	203	-----	-----	Obsolete. Provided for appointment of an additional associate justice to the Supreme Court of the former Territory of Utah.
June 29	503-----	1 (all to last par. beginning "For the payment of necessary interpreters" on p. 218).	25	217-218	-----	-----	Obsolete and executed. Provided for the pay of Indian agents at a specified number of agencies. See note for R.S. § 2052.
July 11	615-----	1 (proviso on p. 272).	25	272	-----	-----	Superseded. Provided that the number of deputy collectors, gaugers, storekeepers, and clerks employed in the collection of internal revenue shall not be increased nor shall the salaries of said officers or employees be increased during the last fiscal year, exclusive of the number employed under the act defining butter. Superseded by the Internal Revenue Code of 1939, Act of Feb. 10, 1939, ch. 2, 53 Stat. 1.
Do-----	615-----	1 (words between 1st and 2d semicolons under "General Land Office").	25	285	-----	-----	Obsolete. Provided for assistant commissioner of the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1888 July 18	676-----	1 (2d full par. on p. 321).	25	321	-----	-----	Provided for compensation of teachers with limitations as to their number and compensation and the average and minimum compensation under varying circumstances; and that no discrimination shall be made between male and female teachers employed in the same grade or school and performing a like class of duties. Superseded by the Act of Oct. 5, 1955, ch. 569, Title I, 69 Stat. 521, and Act of Sept. 1, 1916, ch. 433, § 1, 39 Stat. 695.
Aug. 1	722-----	-----	25	352	-----	-----	Superseded. Provided for annual leave of absence of employees in the Government Printing Office of 30 days in each fiscal year. Superseded by the Act of Jan. 12, 1895, ch. 23, § 23, 28 Stat. 601.
Do.---	723-----	-----	25	353	-----	-----	Superseded. Provided that the 30th of May in each year usually called "Decoration Day" shall be a holiday in the District of Columbia. Superseded by the Act of Mar. 3, 1901, ch. 854, § 1636, 31 Stat. 1434, and the Act of Oct. 24, 1951, ch. 544, § 2, 65 Stat. 607.
Aug. 9	823-----	-----	25	398	-----	-----	Obsolete. Provided for two additional justices to hold office for the term of four years on the Supreme Court of the former Territory of Dakota, and for other matters concerning judges and judicial districts of that Territory.
Oct. 19	1209-----	(last sentence)---	25	565	-----	-----	Obsolete. Provided for appointment and pay of customs surveyor at Lincoln, Nebr. Position was abolished by Act of July 5, 1932, ch. 430, title I, § 1, 47 Stat. 584.
Dec. 18	6-----	2-----	25	638	-----	-----	Obsolete. Provided for appointment, fees, and emoluments of a register and receiver of public moneys for the Folsom land office in the former Territory of New Mexico. See note for R.S. § 2234.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1889 Feb. 9	121	(last 23 words)	25	658			Obsolete. Provided for appointment of customs surveyor at Columbus, Ohio. Position was abolished by Act of July 5, 1932, ch. 430, title I, § 1, 47 Stat. 584.
Do.	122	3	25	659			Superseded. Fixed the pay of the Secretary of Agriculture and Assistant Secretary of Agriculture. Superseded by § 303 of Act of Aug. 14, 1964, Public Law 88-426, 78 Stat. 416, which is carried into this revision.
Feb. 26	279	1 (proviso on p. 722).	25	722			Superseded. Provided for salaries and expenses of collectors and deputy collectors of internal revenue including expenses incident to enforcing the Act of Aug. 2, 1886, 24 Stat. 209, defining of "butter", etc. Further provided that the number of deputy collectors, gaugers, storekeepers, and clerks employed in the collection of internal revenue shall not be increased, nor shall the salaries of said officers and employees be increased beyond that paid during the last fiscal year, exclusive of the number employed under the act defining "butter". Superseded by the Internal Revenue Code of 1939, 53 Stat. 1.
Do.	279	1 (words between 1st and 2d semicolons under "General Land Office").	25	735			Obsolete. Provided for assistant commissioner of the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.
Mar. 1	311	3	25	751			Superseded. Provided for appointment and pay of a collector, appraiser, and other officers at the port of Tampa, Fla. Superseded by the Acts of Mar. 3, 1927, ch. 348, § 2, 44 Stat. 1381; and Oct. 28, 1949, ch. 782, 63 Stat. 954.
Do.	327	2	25	772			Obsolete. Provided for appointment and emoluments of a register and receiver of public moneys for the Lincoln Land District in the former Territory of New Mexico. See note for R.S. § 2234.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1889 Mar. 1	328	49	25	779			Superseded. Provided that all officers and employees of the United States and District of Columbia who are members of the National Guard shall be entitled to leave of absence without loss of pay or time on days of any parade or encampment ordered or authorized under this Act. Superseded by the Act of Aug. 10, 1956, ch. 1041, § 29, 70 Stat. 632.
Mar. 2	370	1 (last par. beginning on p. 800).	25	800			Superseded. Provided for compensation of teachers with limitations as to their number and compensation and the average and minimum compensation under varying circumstances; and that no discrimination shall be made between male and female teachers employed in the same grade or school and performing a like class of duties. Superseded by the Act of Oct. 5, 1955, ch. 569, title I, 69 Stat. 521, and Act of Sept. 1, 1916, ch. 433, § 1, 39 Stat. 695.
Do.	370	4	25	808			Executed and superseded. Constituted a commission for the establishment of a zoological park in the District of Columbia, and prescribed their duties. Superseded by the Act of April 30, 1890, ch. 173, § 2, 26 Stat. 78.
Do.	412	15	25	1006			Obsolete. Authorized the creation of land districts embracing lands open for settlement by proclamation of the President, and appointment thereto of registers and receivers in accordance with existing law. See note for R.S. § 2234.
1890 Apr. 10	77		26	53			Obsolete. Provided for appointment and pay of surveyor-generals for districts of North and South Dakota. Position of surveyor-general was abolished by Act of Mar. 3, 1923, ch. 462, 43 Stat. 1144.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1890 May 2	182	2	26	82			Obsolete. Provided for the vesting of the executive power of the former Territory of Oklahoma in a Governor, and for his term of office and removal.
Do.	182	3	26	82			Obsolete. Provided for a secretary of the former Territory of Oklahoma, his term of office and removal procedure, and authorized him to execute all powers and perform the duties of the Governor during a vacancy, etc., of that Office.
Do.	182	14	26	88			Obsolete. Provided for appointments and pay of officers of the former Territory of Oklahoma.
June 10	407	30	26	142	5	296	Superseded. Originally provided effective date for act of which it is a part. As amended by Act of Aug. 5, 1909, ch. 6, § 28 ("Sec. 30"), 36 Stat. 108, provided for appointment of officers to assist the Attorney General. See note for Act of Aug. 5, 1909, ch. 6, § 28, 36 Stat. 108.
July 11	667	1 (proviso on p. 244).	26	244			Superseded. Provided that the number of deputy collectors and clerks employed in the collection of internal revenue shall not be increased nor shall the salaries of such officers and employees be increased beyond the salaries paid during the last fiscal year with exception. Superseded by the Internal Revenue Code of 1939, 53 Stat. 1.
Do.	667	1 (words between 1st and 2d semicolons under "General Land Office").	26	257			Obsolete. Provided for assistant commissioner of the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.
Aug. 8	729		26	313			Superseded. Provided for pay of deputies and assistants to the United States attorney in the District of Columbia, and clerk hire, with limitations. Superseded by §§ 508 and 510 of Title 28, United States Code.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1954 ed.		Explanation
			Volume	Page	Title	Section	
1890 Aug. 28	812		26	362	19	63	Superseded. Provided for leaves of absence of officers and employees in the customs service of the Government who receive per diem compensation. Superseded by the Act of Oct. 30, 1951, ch. 651, title II, § 202, 65 Stat. 679, and the Act of July 2, 1953, ch. 478, § 1, 67 Stat. 430.
Do.	814	3	26	363			Superseded. Provided for the salaries of (1) the collector, Puget Sound, Wash., customs collection district, and (2) deputy collectors at Tacoma and Seattle, Wash. Superseded by Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
Aug. 29	820	1 (last par.)	26	371	5	19	Obsolete. Required chief clerks in the executive departments to administer oaths of office without compensation. The duty was transferred to the heads of the departments, with power to delegate, by the authorities cited for R.S. § 173. The prohibition against compensation is preserved by the preceding sentence of the section, which is carried into this revision.
Oct. 1	1267		26	655			Superseded. Established customs district for North and South Dakota, and provided for appointment and pay of a collector. Superseded by the Acts of Aug. 1, 1914, ch. 223, § 1, 38 Stat. 623; Mar. 3, 1927, ch. 348, § 2, 44 Stat. 1381; and Oct. 28, 1949, ch. 782, 63 Stat. 954.
Mar. 10	J. R. 12		26	670			Superseded. Authorized the Superintendent of Census to pay special agents in Alaska, in addition to their salaries, a limited per diem allowance for expenses of subsistence and transportation. Superseded by Act of Aug. 31, 1954, ch. 1158, 68 Stat. 1012.
1891 Feb. 24	287		26	783			Superseded. Provided for the salaries of judges of district courts of the United States. Superseded by § 135 of Title 28, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1904 ed.		Explanation
			Volume	Page	Title	Section	
1891 Mar. 3	539		26	854			Executed. Established a court of private land claims to provide for the settlement of claims in certain States and Territories. Provided for appointments, compensation, necessary traveling and personal expenses and terms of office of (1) justices of the court, (2) a United States Attorney, and (3) a person skilled in Spanish and English as an interpreter and translator. Further provided for appointment of a clerk and deputy clerk and stenographer and their salaries, and that the powers and functions of the court shall cease Dec. 31, 1895.
Do.	541	1 (proviso and 1st full par. on p. 925).	26	925			Superseded. Limited number of collectors and clerks and their pay, with exception, and authorized appointment and pay of inspectors. Superseded by the Internal Revenue Code of 1939, 53 Stat. 1.
Do.	541	1 (words between 1st and 2d semicolons under "General Land Office").	26	937			Obsolete. Provided for assistant commissioner of the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.
Do.	541	1 (1st full sentence on p. 944).	26	944	5	363	Superseded. Provided for Fourth Assistant Postmaster General. Superseded by 1949 Reorg. Plan No. 3, eff. Aug. 20, 1949, 14 F.R. 5225, 63 Stat. 1066 (which abolished existing positions of Assistant Postmasters General and created four new positions of Assistant Postmasters General) and by § 305 of Title 39, U.S.C.
Do.	541	1 (words between 4th and 5th semicolons under "Office of the Attorney-General").	26	945	5	297	Obsolete. Provided that the Examiner of Claims to be hereafter designated as a solicitor for the Department of State. The office of Solicitor of State was abolished by the Act of Feb. 23, 1931, ch. 276, § 30, 46 Stat. 1214.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1891 Mar. 3	550		26	1084			Superseded. Provided that pay of Government Printing Office employees engaged on night work shall be 20 per cent in addition to the amount paid for day labor. Superseded by the Act of Jan. 12, 1895, ch. 23, § 39, 28 Stat. 607.
Do	555	2	26	1090			Superseded. Provided for inspection of cattle to be exported and for appointment of inspectors. Superseded by Act of Mar. 4, 1907, ch. 2907, 34 Stat. 1263.
Do	564	1	26	1104			Superseded. Provided for appointment and bond of mine inspectors. Superseded by the Acts of May 16, 1910, ch. 240, 36 Stat. 369; and May 7, 1941, ch. 87, title I, 55 Stat. 179.
Do	564	2	26	1104			Superseded. Established qualifications for mine inspectors. See note for § 1 of this Act.
Do	564	18	26	1106			Obsolete and superseded. Provided for the pay and expenses of mine inspectors. See note for § 1 of this Act.
1893 June 4	88		27	41			Superseded. Established West Point, Va., as a support of entry and provided for customs officers to perform duties thereat, and repealed other acts in conflict with this Act. Superseded by the Acts of Aug. 1, 1914, ch. 223, § 1, 38 Stat. 623; and Mar. 4, 1923, ch. 251, § 2, 42 Stat. 1453.
July 6	154		27	87			Superseded. Provided for leave of absence for employees of the Bureau of Engraving. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679.
July 13	161	(2d sentence in par. which begins "For fees and expenses").	27	119			Superseded. Provided for fees of examining surgeons for examinations of pensioners. Superseded by Act of Sept. 22, 1922, ch. 417, 42 Stat. 1030.
July 16	196	1 (words between 1st and 2d semicolons under "General Land Office").	27	213			Obsolete. Provided for appointment, duties, and pay of an assistant commissioner of the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1892 July 22	231		27	257			Superseded. Provided for the pay of keepers and crews of lifesaving stations. Superseded by the Act of Aug. 4, 1949, ch. 393, § 1, 63 Stat. 495.
July 26	250	1-3	27	268, 269			Obsolete. Created a board of children's guardians in and for the District of Columbia, and provided for appointment, term, etc., of members of the board. The board of children's guardians was abolished by the Act of Mar. 16, 1926, ch. 58, § 1, 44 Stat. 208.
Aug. 5	380	1 (last par.)	27	388			Superseded. Prohibited distribution of publications with "the compliments" of an officer of the Government. Superseded by the Act of Jan. 12, 1895, ch. 23, § 73, 28 Stat. 620.
1893 Mar. 1	187	(2d sentence in par. which begins "For fees and expenses").	27	524			Superseded. Provided for fees of examining surgeons for examinations of pensioners. Superseded by the Act of Sept. 22, 1922, ch. 417, 42 Stat. 1030.
Mar. 2	199	1 (proviso on p. 546).	27	546			Superseded. Provided that in assigning salaries to teachers, no discrimination shall be made between male and female teachers in the same grade of school and performing a like class of duties. Superseded by the Act of Sept. 1, 1916, ch. 433, § 1, 39 Stat. 695.
Mar. 3	204	2, 3	27	564			Obsolete. Created excise board for the District of Columbia, to be composed of the District Commissioners, provided for its powers and duties, and authorized appointment of a clerk. The board was abolished by Act of Mar. 3, 1917, ch. 165, § 25, 39 Stat. 1132.
Do.	208	(3d par. from end).	27	612			Superseded. Prohibited the distribution of any report, document, or publication with "the compliments" of an officer of the Government. Superseded by the Act of Jan. 12, 1895, ch. 23, § 73, 28 Stat. 620.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1893 Mar. 3	209-----	1 (1st 2 pars. on p. 614).	27	614	25	67	Superseded and obsolete. Provided for developing duties of Indian agents or superintendents of Indian training schools; and for pay of Indian agents. Superseded in part by Act of Mar. 1, 1907, ch. 2285, 34 Stat. 1020. Pay provision for Indian agents is obsolete, see note for R.S. § 2052.
Do----	211-----	1 (words between 1st and 2d semicolons under "General Land Office").	27	704	-----	-----	Obsolete. Provided for appointment and pay of an assistant commissioner of the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.
Do----	211-----	5-----	27	715	5	29, 30	Obsolete. As amended Mar. 15, 1898, ch 68, § 7, 30 Stat. 316, the 1st par., exclusive of the 2d and 3d provisos (formerly 5 U.S.C. 29) established 7 hours of labor in executive departments and provided for extension of the hours without additional compensation. This provision was repealed by Act of June 30, 1945, ch. 212, title VI, § 604(c). The 2d and 3d provisos of the 1st par. and the 2d par. (formerly 5 U.S.C. 30) related to leave, and are superseded by the Annual and Sick Leave Act of 1951, Oct. 30, 1951, ch. 631, title II, 65 Stat. 679, which is carried into this revision. The 3d par. (formerly 5 U.S.C. 31) made it the duty of department heads to require monthly reports as to the condition of business of their departments and to require, when necessary, in accordance with the 1st par., an extension of the hours of duty. The 1st provision is unnecessary in view of the authority to regulate the conduct of business granted by R.S. § 161, as amended, which is carried into this revision. The 2d provision is meaningless in view of the repeal of the provision allowing extension of the hours of duty

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
							contained in the 1st par. and the repeal of the related 4th par., and is impliedly repealed by the inconsistent provisions of the Federal Employees Pay Act of 1945, June 30, 1945, ch. 212, title III, 59 Stat. 298, which is carried into this revision. The 4th par., relating to quarterly reports of executive departments and other agencies, was repealed by Act of Aug. 7, 1946, ch. 770, § 1, 60 Stat. 866.
1893 Mar. 3	214-----	(last 25 words of 1st sentence in 2d par. under "General Expenses, Weather Bureau").	27	742			Superseded. Authorized the Secretary of Agriculture to make promotions in the Weather Bureau. Superseded by the Act of Mar. 4, 1907, ch. 2907, 34 Stat. 1280.
Dec. 21	5-----		28	20			Obsolete. Provided for the appointment of additional justices to the Supreme Court of the former Territory of Oklahoma, their terms of office and compensation, established judicial districts and provided for jurisdiction.
1894 May 11	73-----	(penultimate par.).	28	76			Obsolete. Provided for appointment of an assistant clerk and salary, with limitations. See note for Act of Mar. 3, 1893, ch. 204, §§ 2, 3, 27 Stat. 564.
June 19	108-----	(penultimate par.).	28	93			Superseded. Provided pay for certain employees of the Government Printing Office for leave of absence. Superseded by the Act of June 10, 1896, ch. 420, § 1, 29 Stat. 453.
July 31	174-----	1 (2d par. under "Civil Service Commission").	28	169			Superseded. Provided for the employment of clerks for duties as examiners at the Civil Service Commission in lieu of clerks detailed from the several executive departments for such duty; and provided for the transfer to the Commission's rolls such of the detailed clerks deemed qualified. Superseded by R. S. § 169, as amended, and the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954, which are carried into this revision.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1894 July 31	174-----	1 (words between 1st and 2d semicolons under "General Land Office").	28	193	-----	-----	Obsolete. Provided for appointment, duties, and pay of an assistant commissioner of the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.
Do....	174-----	3-----	28	205	-----	-----	Superseded. Provided for changes in designations of Auditors of the Treasury and corresponding designations of deputy auditors and other subordinates. Superseded by the Act of June 10 1921, ch. 18, § 310, 42 Stat. 25.
Do....	174-----	4-----	28	205	-----	-----	Obsolete. Abolished the offices of Commissioner and Deputy Commissioner of Customs, the Second Comptroller and Deputy Second Comptroller, and the Deputy First Comptroller of the Treasury; provided that the First Comptroller of the Treasury shall hereafter be known as Comptroller of the Treasury, with the duties and responsibilities of all the aforesaid officials; provided for the salary of the Comptroller; for the appointment and salary of an Assistant Comptroller of the Treasury; and for appointment and salary of a chief clerk in the office of the Comptroller. The offices of the Comptroller and Assistant Comptroller of the Treasury and chief clerk in the office of the Comptroller were abolished by the Act of June 10, 1921, ch. 18, title III, § 301, 42 Stat. 23, creating the General Accounting Office under control and direction of the Comptroller General of the United States.
Aug. 3	202-----	-----	28	225	-----	-----	Obsolete. Amended § 5 of the Act of June 18, 1878, to provide for the manning by crews of certain lifesaving stations and the pay of such surfmen. Sec. 5 of the Act of June 18, 1878, was repealed by the Act of Aug. 4, 1949, ch. 393, § 20, 63 Stat. 561.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1894 Aug. 14	287-----	15-----	28	285	-----	-----	Obsolete. Altered composition of excise board of the District of Columbia. See note for Act of Mar. 3, 1893, ch. 204, §§ 2, 3, 27 Stat. 564.
Aug. 15	290-----	1 (2d proviso on p. 288).	28	288	-----	-----	Obsolete. Provided that the Commissioner of Indian Affairs, with approval of the Secretary of the Interior, may devolve duties of any Indian agency upon the superintendent of the Indian training school located at such agency, whenever the superintendent can perform the duties, and the superintendent shall give bond as other Indian agents, and hereafter the annual salaries of these several Indian agents shall be as provided for in this act. See note for Act of Mar. 3, 1893, ch. 209, § 1 (1st 2 pars. on page), 27 Stat. 614.
Aug. 18	301-----	1 (2d par. on p. 391).	28	391	8	107	Obsolete. Provided for appointment of commissioners of immigration. Positions abolished and duties transferred by 1940 Reorg. Plan No. III, § 6, eff. June 30, 1940 5 F.R. 2108, 54 Stat. 1233.
Aug. 23	307-----	1 (last par. on p. 426).	28	426	-----	-----	Superseded. Directed the Secretary of the Treasury to pay to customs officers holding over after their terms of office before appointment and qualification of successors, the salaries, compensation, fees, or emoluments authorized or provided by law, but no payment for any services rendered by wrongfully holding after appointment and qualification of successors. Superseded by the Act of Mar. 2, 1895, ch. 187, 1st par. under "Treasury Department", 28 Stat. 844; 5 U.S.C. 252. See Table IV.
Do-----	308-----	-----	28	488	-----	-----	Superseded. Authorized appointment of a deputy coroner in the District of Columbia and provided for per diem compensation, with a limitation, and the giving of a bond. Superseded by the Act of Mar. 3, 1901, ch. 854, § 196, 31 Stat. 1221.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1894 Aug. 27	349	33	28	557			Superseded. Levied tax on incomes of Federal employees, and provided for withholding; and levied tax on incomes of employees of corporations. Superseded by the Internal Revenue Code of 1954, Title 26, United States Code.
Do.	349	64	28	567			Superseded. Authorized the assignments of certain internal revenue officers holding the combined office of storekeeper or duties of a gauger and for a bond. Superseded by the Internal Revenue Code of 1939, 53 Stat. 1.
Do.	349	65	28	567			Superseded. Authorized assignment and transfer of internal revenue gaugers for duties at various distilleries, etc. Superseded by the Internal Revenue Code of 1939, 53 Stat. 1.
Dec. 27	12	4	28	598	16	430f	Obsolete. Provided for appointment and pay of three commissioners and a secretary to administer Shiloh National Military Park. Administration of the park was transferred to the National Park Service of the Department of the Interior by E.O. 6166, § 2, June 10, 1933, as amended by E.O. 6228, § 1, July 28, 1933.
1895 Jan. 12	23	23	28	604			Provided that employees of the Government Printing Office shall be entitled to leaves of absence with pay to the extent of not exceeding 30 days in any one fiscal year, at the rate of pay received during the time said leave was earned but such leaves of absence shall not accumulate from year to year. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679, which is carried into this revision.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1895 Jan. 12	23-----	44-----	28	607	-----	-----	Superseded. Provided for the appointment by the Public Printer of a foreman of printing, and a foreman of binding; and provided for their salaries. Superseded by the Act of June 7, 1924, ch. 354, § 1, 43 Stat. 658.
Do....	23-----	46-----	28	607	44	44	Superseded. Provided that employees of the Government Printing Office shall be allowed certain specific legal holidays with pay. Superseded by the Acts of June 29, 1938, ch. 818, § 1, 52 Stat. 1246; and Jan. 11, 1957, Pub. L. 85-1, 71 Stat. 3, which are carried into this revision.
Do....	23-----	48-----	28	608	-----	-----	Superseded. Authorized the Public Printer to employ clerks in different classes and provided for their salaries. Superseded by the Act of June 7, 1924, ch. 354, § 1, 43 Stat. 658.
Do....	23-----	73 (9th and 10th pars. on p. 618).	28	618	-----	-----	Superseded. Provided for the annual filing with the Secretary of the Interior of a list of officers' and employees' salaries, etc., in the various branches of the Federal Government in connection with the preparation of the Official Register of the United States. Superseded by the Acts of Aug. 28, 1935, ch. 795, §§ 1, 2, 49 Stat. 956, 957, and July 12, 1960, Pub. L. 86-626, title I, § 101, 74 Stat. 427.
Feb. 11	80-----	3-----	28	651	16	430g	Obsolete. Provided for appointment and pay of commissioners for the Gettysburg National Park. Administration of the park was transferred to the National Park Service of the Department of the Interior by E.O. 6166, § 2, June 10, 1933, as amended by E.O. 6228, § 1, July 28, 1933.
Feb. 28	138-----	1-----	28	689	-----	-----	Superseded. Provided for the appointment and pay of a surveyor in the District of Columbia, his term of office, and removal for cause. Superseded by the Act of Mar. 3, 1901, ch. 854, § 1577, 31 Stat. 1424.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1895 Feb. 28	138	2	28	689			Superseded. Provided that the surveyor, District of Columbia, shall give bond and take an oath for the faithful performance of his duties. Superseded by the Act of Mar. 3, 1901, ch. 854, § 1578, 31 Stat. 1424.
Do.	138	3	28	689			Superseded. Authorized appointment of an assistant surveyor in the District of Columbia and his salary and such employees as may be required for the surveyor's office and operations, at a limited aggregate expense. Superseded by the Act of Mar. 3, 1901, ch. 854, § 1592, 31 Stat. 1426.
Do.	138	6	28	690			Provided for oath and duties of the assistant surveyor, District of Columbia, and that any default or misfeasance in office by him or other assistant or helper of the surveyor shall be deemed a breach of the official bond of his principal. Superseded by the Act of Mar. 3, 1901, ch. 854, § 1592, 31 Stat. 1426.
Mar. 1	146	2	28	699	46	382	Obsolete. Provided for inspectors of steam vessels, salaries, travel expenses, and expenses for transportation instruments; and authorized appointments of assistant inspectors and salaries, and clerks and their compensation with limitations. See note for R.S. § 4414.
Mar. 2	172	2	28	741	33	473	Superseded. Provided that the powers and authority conferred upon the harbor master, District of Columbia, may in his absence or temporary disability be exercised by the pilot of the harbor police boat. Superseded by the Act of Mar. 3, 1901, ch. 454, § 1636, 31 Stat. 1434.
Do.	176	1 (1st proviso on p. 747).	28	747			Superseded. Authorized the Commissioners of the District of Columbia to grant leave of absence to certain employees, not to exceed 30 days a year. Superseded by the Acts of Mar. 3, 1897, ch. 387, 29 Stat. 677; Mar. 2, 1911, ch. 192, 36 Stat. 967; and Mar. 4, 1911, ch. 285, 36 Stat. 1395.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1895 Mar. 2	176-----	1 (2d proviso on p. 753).	28	753	-----	-----	Superseded. Provided that in assignments of salaries to teachers no discrimination shall be made between male and female teachers employed in the same grade of school and performing a like class of duties. Superseded by the Act of Sept. 1, 1916, ch. 433, § 1, 39 Stat. 695.
Do....	176-----	1 (1st proviso on p. 757).	28	757	-----	-----	Authorized appointment by the Commissioners in the District of Columbia of a weigher and compensation, with a limitation, in connection with the destruction of garbage. Superseded by 1952 Reorg. Plan No. 5, § 4, 66 Stat. 826.
Do....	177-----	1 (5th full par. on p. 777).	28	777	-----	-----	Superseded. Authorized appointment of acting Deputy Auditors in the Treasury Department in the absence or sickness of any department Deputy Auditor. Superseded by the Act of June 10, 1921, ch. 18, 42 Stat. 20.
Do....	177-----	1 (words between 1st and 2d semicolons under "General Land Office").	28	794	-----	-----	Obsolete. Provided for appointment, duties, and pay of an assistant commissioner of the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.
Do....	177-----	1 (2d proviso and sentence following 2d proviso on p. 796).	28	796	-----	-----	Obsolete and executed. Appropriation act providing that in reducing the force of the Pension Office to comply with the provisions of this act, preference shall be given for retention in service to certain ex-soldiers and sailors and their widows and orphans. See note for R.S. § 470.
Do ..	189-----	1 (3d par. on p. 919).	28	919	-----	-----	Obsolete. Amended the Act of Aug. 3, 1894, ch. 202, 28 Stat. 225, relating to the Life-Saving Service, to provide that surfmen who enlist for a term including more than 8½ months of active service and who enlist to fill vacancies, shall receive \$60 per month of active service. The Act of Aug. 3, 1894, was repealed by the Act of Aug. 4, 1949, ch. 493, § 20, 63 Stat. 561.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1896 Feb. 26	34-----	(par. under "Inspection of Consulates").	29	36	-----	-----	Superseded. Appropriation act for the diplomatic and consular service providing a limited sum of money for the expenses of an inspection of consulates by officers of the Government, without any compensation in addition to their regular salary for this special service. Superseded by the Act of Apr. 5, 1906, ch. 1366, § 4, 34 Stat. 100.
Mar. 16	58-----		29	60	-----	-----	Superseded. Reorganized customs district of Alaska; provided for port of entry and subports of entry; and provided for customs officers and their pay. Superseded by the Acts of Aug. 1, 1914, ch. 223, § 1, 38 Stat. 623; Mar. 3, 1927, ch. 348, § 2, 44 Stat. 1381; and Oct. 28, 1949, ch. 782, 63 Stat. 954.
May 28	252-----	1 (words between 1st and 2d semicolons under "General Land Office").	29	168	-----	-----	Obsolete. Provided for appointment, pay, and duties of an assistant commissioner of the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.
June 3	313-----		29	198	-----	-----	Superseded. Created a board of medical supervisors of the District of Columbia and provided for the regulation of the practice of medicine and surgery, etc., in the District of Columbia. Superseded by Act of Feb. 27, 1929, ch. 352, 45 Stat. 1326.
June 9	387-----	("Sec. 4")	29	317	-----	-----	Superseded. Provided for appointment, pay, and expenses of inspector of fisheries and two assistants. Superseded by the Act of June 4, 1897, ch. 2, § 1, 30 Stat. 29.
June 10	398-----	1 (2d proviso and sentence following 2d proviso on p. 323).	29	323	-----	-----	Obsolete. Provided that the Secretary of the Interior may devolve the duties of any Indian agency upon the superintendent of the Indian training school located at such agency, and that the superintendent shall give bond as other Indian agents. See note for R.S. § 2052.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1896 June 11	419-----	1 (proviso on p. 402).	29	402			Superseded. Prohibited discrimination because of sex in assigning salaries to teachers of the District of Columbia. Superseded by the Act of Sept. 1, 1916, ch. 433, § 1, 39 Stat. 695.
Do....	419-----	1 (provisos on p. 405).	29	405			Superseded. Provided for deductions of pay of District of Columbia firemen for a relief fund with maximum allowances for certain cases of permanent disability and death. Superseded by the Act of Sept. 1, 1916, ch. 433, § 12, 39 Stat. 718.
Do....	419-----	1 (par. beginning "Industrial Home School").	29	410			Obsolete. Provided for the transfer of the Industrial Home School to the Commissioners of the District of Columbia, and appointment of a board of trustees for said school. This board was abolished by the Act of Mar. 16, 1926, ch. 58, 44 Stat. 208, which established a Board of Public Welfare.
Dec. 22	2-----	(2d sentence in par. which begins "For fees and expenses").	29	479			Superseded. Provided for fees of examining surgeons for examinations of pensioners. Superseded by Act of Sept. 22, 1922, ch. 417, 42 Stat. 1030.
1897 Feb. 15	231-----		29	530			Obsolete. Provided that in connection with the regulation of steam vessels, inspectors shall be paid actual and reasonable travel expenses or mileage in the performance of duties, with actual and reasonable expenses for the transportation of instruments. Positions of inspector were abolished by Reorg. Plan No. 3 of 1946, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.
Feb. 19	265-----	1 (words between 1st and 2d semicolons under "General Land Office").	29	567			Obsolete. Provided for appointment, duties, and pay of an assistant commissioner, General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1897 Mar. 3	387-----	1 (1st full par. on p. 677 and 2d sentence under "For The Fire Department").	29	677	-----	-----	Superseded. Provided for leave of absence for members of the Metropolitan Police. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, § 202, 65 Stat. 679, as amended, which is carried into this revision.
Apr. 23	1-----	(4th full par. on p. 10).	30	10	-----	-----	Superseded. Appropriated funds for pay of Weather Bureau employees and also granted the Secretary of Agriculture the authority to allow leaves of absence to employees of the Weather Bureau stationed outside the city of Washington. The appropriation has expired. The leave provisions have been superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679, as amended, which is carried into this revision.
June 4	2-----	1 (2d proviso on p. 29).	30	29	-----	-----	Superseded. Provided for appointment and pay of an agent to protect Alaskan salmon fisheries and his assistant. Superseded by Act of Apr. 28, 1904, ch. 1762, § 1, 33 Stat. 478.
July 24	11-----	29 (last sentence).	30	211	-----	-----	Superseded. Provided for performance of certain services under the supervision of an officer of the customs to be appointed by the Secretary of the Treasury. Superseded by Act of Aug. 5, 1909, ch. 6, §§ 24, 41, 36 Stat. 90, 118.
Do-----	14-----	2-----	30	215	-----	-----	Obsolete. Act provided for the appointment of a surveyor-general for the District of Alaska. The Act of Mar. 3, 1925, ch. 462, 43 Stat. 1144, abolished the office of surveyor-general and transferred the administration of all activities in charge of surveyors-general to the Field Surveying Service.
Do-----	14-----	3-----	30	215	-----	-----	Obsolete. Act provided for the salary of the surveyor-general for the Alaska District. See note for § 2 of the Act.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1898							
Jan. 27	10		30	234	43	72	Obsolete. Amended R.S. § 2234 to provide for appointment and duties of registers and receivers of the land offices. See note for R.S. § 2234.
Mar. 15	68	1 (words between 1st and 2d semicolons under "General Land Office").	30	305			Obsolete. Provided for appointment, pay, and duties of an assistant commissioner of the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.
Do.	68	7	30	316	5	29, 30, 31, 32	Obsolete. See note for Act of Mar. 3, 1893, ch. 211, § 5, 27 Stat. 715.
June 6	389		30	432	5	15	Obsolete. Act removed the disability imposed by § 3 of the 14th Amendment. See note for § 15 of Title 5, U.S.C.
July 7	571	1 (1st par. on p. 653).	30	653	5	30	Superseded. Act provided for 30 days annual leave to employees in executive departments notwithstanding the fact that an employee may have been granted sick leave during the year. Superseded by Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679, as amended, which is carried into this revision.
1899							
Feb. 4	89	(2d sentence in par. which begins "For fees and expenses").	30	820			Superseded. Provided for fees of examining surgeons for examinations of pensioners. Superseded by Act of Sept. 22, 1922, ch. 417, 42 Stat. 1030.
Feb. 21	176	4	30	842	16	430h	Obsolete. Section provided for the appointment and pay of three commissioners to supervise the Vicksburg National Military Park and a secretary. Administration of the park was transferred to the National Park Service of the Department of the Interior by E.O. 6166, § 2, June 10, 1933, as amended by E.O. 6288, § 1, July 28, 1933.
Feb. 24	187	1 (words between 1st and 2d semicolons under "General Land Office").	30	877			Obsolete. Provided for appointment, pay, and duties of an assistant commissioner of the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1899 Feb. 24	187-----	4-----	30	890	5	30, 98	Executed, obsolete, and superseded. Prohibited use of appropriations made by the act for pay of persons permanently incapacitated to perform service; prohibited establishment of a civil pension roll; and provided that leave of absence should be exclusive of Sundays and holidays. So much as limited availability of appropriations is executed. So much as prohibited a civil pension roll is obsolete; subsequent legislation authorized retirement plans, both contributory and noncontributory, for Federal employees, see ch. 83 of this revision and notes thereunder. So much as relates to leave of absence was superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679, which is carried into this revision.
Mar. 3	427-----	1 (2d par. under "Treasury Department").	30	1215	-----	-----	Obsolete. Act provided that the temporary or additional work force needed in the Treasury Dept. because of the increased work incident to the war with Spain shall be appointed hereafter without compliance with the condition prescribed by the act entitled "An act to regulate and improve the civil service", approved Jan. 16, 1883. Act is obsolete due to the termination of the war with Spain.
1900 Apr. 4	158-----	(2d sentence in par. which begins "For fees and expenses").	31	60	-----	-----	Superseded. Provided for fees of examining surgeons for examinations of pensioners. Superseded by Act of Sept. 22, 1922, ch. 417, 42 Stat. 1030.
Apr. 12	191-----	26-----	31	82	-----	-----	Superseded. Section provided for duties and pay of the members of the executive council governing Puerto Rico. Superseded by the Act of Mar. 2, 1917, ch. 145, § 13, 39 Stat. 955.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1900 Apr. 12	191_____	29_____	31	82	_____	_____	Superseded. Provided for the election of delegates to the legislature of Puerto Rico; organization of the house of delegates; and pay of delegates. Superseded by the Act of Mar. 2, 1917, ch. 145, §§ 25-35, 39 Stat. 958-963.
Do....	191_____	36_____	31	85	_____	_____	Superseded. Provided for the pay of officials of Puerto Rico. Superseded by the Act of Mar. 2, 1917, ch. 145, § 50, 39 Stat. 967.
Do....	191_____	37_____	31	85	_____	_____	Superseded. Provided for payment of the salaries and expenses of municipalities in Puerto Rico. Superseded by the Act of Mar. 2, 1917, ch. 145, § 51, 39 Stat. 967.
Do....	191_____	40_____	31	86	_____	_____	Executed. Provided for the appointment of a commission to compile and revise the laws of Puerto Rico. Expired by its own terms "on or before one year after the passage of this Act".
Apr. 17	192_____	1 (2d sentence of 2d par. under "War Department").	31	113	_____	_____	Obsolete. Provided for war service appointments during the war with Spain; and prohibited employees in the classified service from being transferred to the Office of the Secretary of the War Department during the war with Spain.
Do....	192_____	1 (words between 1st and 2d semicolons under "General Land Office").	31	121	_____	_____	Obsolete. Provided for appointment, pay, and duties of an assistant commissioner of the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.
Do....	192_____	3_____	31	133	_____	_____	Obsolete. Section provided for an extension of the terms of appointment for temporary war service appointees during the war with Spain for 1 year.
May 25	555_____	(last 39 words in 2d par. on p. 202).	31	202	_____	_____	Superseded. Authorized leave of absence not to exceed 15 days in any one year for employees of the Bureau of Animal Industry outside the city of Washington, the discretion of the Secretary of Agriculture. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1900 May 25	555-----	(last sentence on p. 203).	31	203	-----	-----	Superseded. Authorized leave of absence not to exceed 30 days in any one year, at the discretion of the Secretary of Agriculture, to employees of the Weather Bureau who are stationed outside the city of Washington. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679.
May 26	589-----	-----	31	218	-----	-----	Superseded. Provided for appointment and pay of a collector in the customs district of Hawaii and for such additional employees as the Secretary of the Treasury deems necessary. Superseded by the Acts of Aug. 24, 1912, ch. 355, § 1, 37 Stat. 434; Mar. 4, 1923, ch. 251, § 2, 42 Stat. 1453; and Oct. 28, 1949, ch. 782, 63 Stat. 954.
May 31	598-----	1 (proviso on p. 239).	31	239	-----	-----	Superseded. Authorized appointment by Secretary of Interior of two superintendents of irrigation and a clerk, and provided for the clerk's pay. Superseded by Acts of June 26, 1930, ch. 618, 46 Stat. 817, and Oct. 28, 1949, ch. 782, 63 Stat. 954, which are carried into this revision. Similar provisions were contained in the Acts of Mar. 3, 1901, ch. 832, § 1, 31 Stat. 1075; May 27, 1902, ch. 888, § 1, 32 Stat. 261; Mar. 3, 1903, ch. 994, § 1, 32 Stat. 997; Apr. 21, 1904, ch. 1402, § 1, 33 Stat. 206; Mar. 3, 1905, ch. 1479, § 1, 33 Stat. 1060; June 21, 1906, ch. 3504, § 1, 34 Stat. 328; Mar. 1, 1907, ch. 2285, § 1, 34 Stat. 1017; Apr. 30, 1908, ch. 153, § 1, 35 Stat. 72; Mar. 3, 1909, ch. 263, § 1, 35 Stat. 782; Mar. 3, 1911, ch. 210, § 1, 36 Stat. 1059; Aug. 24, 1912, ch. 388, § 1, 37 Stat. 519; June 30, 1913, ch. 4, § 1, 38 Stat. 78; Aug. 1, 1914, ch. 222, 38 Stat. 583; May 18, 1916, ch. 125, § 1, 39 Stat. 124; and Mar. 2, 1917, ch. 146, § 1, 39 Stat. 969.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Vol- ume	Page	Title	Section	
1900 May 31	598-----	2 (2d proviso)---	31	246	-----	-----	Superseded. Provided for preference for Indians in employment and open-market purchases by the Department of the Interior. Superseded by Act of June 25, 1910, ch. 431, § 23, 36 Stat. 861. Similar provisions were contained in Acts of Mar. 3, 1901, ch. 832, § 2, 31 Stat. 1083; May 27, 1902, ch. 888, § 2, 32 Stat. 274; Mar. 3, 1903, ch. 994, § 2, 32 Stat. 1006; Apr. 21, 1904, ch. 1402, § 2, 33 Stat. 216; Mar. 3, 1905, ch. 1479, § 2, 33 Stat. 1077; June 21, 1906, ch. 3504, § 1, 34 Stat. 326; and Mar. 1, 1907, ch. 2285, § 1, 34 Stat. 1015.
June 2	614-----	-----	31	262	46	382	Obsolete. Authorized a board of local steamship inspectors to be created at Toledo, Ohio. The board was abolished by 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.
June 8	789-----	1 (1st 3 pars. under "Public Schools").	31	564, 565	-----	-----	Superseded. Created a board of education for the District of Columbia; and provided for the appointment, pay, tenure, and authority of the members. Superseded by the Act of June 20, 1906, ch. 3446, § 2, 34 Stat. 316.
Do----	789-----	1 (proviso on p. 566).	31	566	-----	-----	Superseded. Provided that in assigning teachers' salaries, no discrimination shall be made because of sex; and that designated salaries are not to be changed. Superseded by the Act of Sept. 1, 1916, ch. 433, § 1, 39 Stat. 695.
Do----	789-----	1 (proviso on p. 577).	31	577	18	283	Superseded. Provided that members of the National Guard of the District of Columbia are not deemed officers of the United States for the purpose of R.S. § 5498. Superseded by § 283 of Title 18, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1900 June 6	791-----	1 (par. beginning "Enforcement of the Chinese Exclusion Act").	31	610	8	262	Superseded and obsolete. Provided for the collector of customs at Port Townsend to receive \$1,000 per year as additional compensation; and that the Secretary of the Treasury may detail one officer employed in the enforcement of the Chinese Exclusion Acts for duty at the Treasury Department in Washington. Pay provision was superseded by the Classification Act of 1949, Oct. 1949, ch. 782, 63 Stat. 954, which is carried into this revision. Detail provision is obsolete since the Chinese Exclusion Acts were repealed by the Act of Dec. 17, 1943, ch. 344, 57 Stat. 600.
Do-----	791-----	1 (2d par. under "Antietam Battlefield").	31	630	-----	-----	Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. Administration of the battlefield was transferred to the National Park Service of the Department of the Interior by E.O. 6166, sec. 2, June 10, 1933, as amended by E.O. 6228, sec. 1, July 28, 1933. Similar provisions were contained in the Acts of Mar. 3, 1901, ch. 853, 31 Stat. 1172; June 28, 1902, ch. 1301, 32 Stat. 464; Mar. 3, 1903, ch. 1007, 32 Stat. 1128; Apr. 28, 1904, ch. 1762, 33 Stat. 496; Mar. 3, 1905, ch. 1483, 33 Stat. 1197; June 30, 1906, ch. 3914, 34 Stat. 741; Mar. 4, 1907, ch. 2918, 34 Stat. 1346; May 27, 1908, ch. 200, 35 Stat. 362; Mar. 4, 1909, ch. 299, 35 Stat. 362; June 25, 1910, ch. 384, 36 Stat. 723; Mar. 4, 1911, ch. 285, 36 Stat. 723; Apr. 24, 1912, ch. 355, 37 Stat. 440; June 23, 1913, ch. 3, 38 Stat. 31; Aug. 1, 1914, ch. 223, 38 Stat. 631; Mar. 3, 1915, ch. 75, 38 Stat. 843; July 1, 1916, ch. 209, 39 Stat. 287; June 12, 1917, ch. 27, 40 Stat. 130; July 1, 1918, ch. 43, 40 Stat. 656; July 19, 1919, ch. 24, 41 Stat. 184; June 5, 1920, ch. 235, 41 Stat. 895; Mar. 4,

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
							1921, ch. 161, 41 Stat. 1386; June 30, 1922, ch. 253, 42 Stat. 756; Mar. 2, 1923, ch. 178, 42 Stat. 1417; June 7, 1924, ch. 291, 43 Stat. 511; Feb. 12, 1925, ch. 225, 43 Stat. 926; Apr. 15, 1926, ch. 146, 44 Stat. 288; Feb. 23, 1927, ch. 167, 44 Stat. 1138; Mar. 23, 1928, ch. 232, 45 Stat. 354; Feb. 28, 1929, ch. 366, 45 Stat. 1375; May 28, 1930, ch. 348, 46 Stat. 458; Feb. 23, 1931, ch. 279, 46 Stat. 1302; July 14, 1932, ch. 482, 47 Stat. 690; and Mar. 4, 1933, ch. 281, 47 Stat. 1596.
1901 Feb. 1	190-----		31	746			Superseded. Provided for leave of absence for employees of the navy yards, gun factories, naval stations, and arsenals. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679.
Feb. 12	363-----	(2d sentence in par. which begins "For fees and expenses").	31	788			Superseded. Provided for fees of examining surgeons for examinations of pensioners. Superseded by Act of Sept. 22, 1922, ch. 417, 42 Stat. 1030.
Feb. 27	615-----		31	816			Superseded. Established a subport of entry at Douglas, Ariz., and provided for the appointment of a deputy collector, to receive such pay as the Secretary of Treasury may allow. Superseded by Acts of Aug. 24, 1912, ch. 355, § 1, 37 Stat. 434; Mar. 4, 1923, ch. 251, § 2, 42 Stat. 1453; and Oct. 28, 1949, ch. 782, 63 Stat. 954.
Feb. 28	622-----	3-----	31	819			Obsolete. Provided that the United States Indian agent for the New York Agency shall give a bond to the Secretary of the Interior, and make annual reports to the Commissioner of Indian Affairs of the receipt and disbursements of any moneys arising from leases; and provided for additional pay. See note for R.S. § 2052.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1901 Mar. 2	805-----	(1st par. on p. 924).	31	924	-----	-----	Superseded. Authorized the Secretary of Agriculture to grant, in his discretion, leave of absence to employees of the Weather Bureau who are stationed outside the city of Washington. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679.
Do-----	805-----	(last 39 words preceding the 3d proviso on p. 926).	31	926	-----	-----	Superseded. Authorized the Secretary of Agriculture to grant leave of absence to employees of the Bureau of Animal Industry stationed outside the city of Washington. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679.
Do-----	806-----	12-----	31	949	-----	-----	Superseded. Section empowered the Secretary of Treasury to appoint an agent to investigate for the purpose of enforcing the inheritance tax. Superseded by the Internal Revenue Code of 1954, 68A Stat. 1.
Mar. 3	830-----	1 (words between 1st and 2d semicolons under "General Land Office").	31	996	-----	-----	Obsolete. Provided for appointment, duties, and pay of an assistant commissioner of the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.
Do-----	830-----	3-----	31	1009	-----	-----	Obsolete. Further extended the length of service for the employees temporarily appointed to cope with the increased workload occasioned by the war with Spain. Terms of appointment expired June 30, 1902, by the terms of this section.
Do-----	832-----	1 (1st proviso on p. 1075).	31	1075	-----	-----	Superseded. Authorized appointment by Secretary of Interior of two superintendents of irrigation and a clerk, and provided for the clerk's pay. See note for Act of May 31, 1900, ch. 598, § 1 (proviso), 31 Stat. 239.
Do-----	832-----	2 (2d proviso)---	31	1083	-----	-----	Superseded. Provided for preference for Indians in employment and open-market purchases by the Department of the Interior. See note for Act of May 31, 1900, ch. 598, § 2 (2d proviso), 31 Stat. 246.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1901 Mar. 3	853-----	1 (2d par. under "Antietam Battlefield").	31	1172	-----	-----	Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
Do-----	853-----	1 (2d proviso on p. 1179).	31	1179	-----	-----	Obsolete. Proviso set the pay of the Commissioner and other employees of the United States and Chilean Claims Commission. Proviso is obsolete since the Commission is not in existence.
Do-----	854-----	3-----	31	1190	-----	-----	Superseded. Section established the positions of justices of the peace in the District of Columbia; and provided for the tenure, eligibility, oath, and bond of the justices. Superseded by the Acts of Feb. 19, 1909, ch. 134, 35 Stat. 623, and Mar. 3, 1921, ch. 125, § 13, 41 Stat. 1312.
Do-----	854-----	179-----	31	1219	-----	-----	Superseded. Section provided for the pay of the clerk of the Supreme Court for the District of Columbia. Superseded by §§ 604 and 751 of Title 28, U.S.C.
Do-----	854-----	553-----	31	1276	-----	-----	Superseded. Provided for the salary of the Recorder of Deeds of the District of Columbia; provides that the number of employees in the office of the recorder shall not be increased nor their salaries increased; fixed salary of deputy recorder. Superseded by Acts of Mar. 3, 1925, ch. 416, 43 Stat. 1102; Apr. 24, 1926, ch. 176, § 1, 44 Stat. 322; and Oct. 28, 1949, ch. 782, 63 Stat. 954.
Do-----	854-----	1187-----	31	1378	-----	-----	Obsolete. Provided for the appointment and removal of a warden for the District of Columbia jail. Position of warden was abolished by the Act of Mar. 2, 1911, ch. 192 36 Stat. 1003.
Do-----	854-----	1189-----	31	1378	-----	-----	Obsolete. Section provides for the salary of the warden of the District of Columbia jail. See note for § 1187 of the act.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1991 Mar. 3	858-----	-----	31	1437	-----	-----	Superseded. Chapter provided for the designation of subports of entry in the Hawaii Territory; for the discontinuance of subports; and for pay for the customs officers stationed at the subports. Superseded by the Acts of Aug. 24, 1912, ch. 348, § 1, 44 Stat. 1381; Mar. 4, 1923, ch. 251, § 2, 42 Stat. 1453; and Oct. 28, 1949, ch. 782, 63 Stat. 954.
Do....	872-----	4-----	31	1449	-----	-----	Superseded. Established the offices and positions in the National Bureau of Standards; established pay of the position to be filled. Superseded by the Acts of June 26, 1930, ch. 618, 46 Stat. 817; and Oct. 28, 1949, ch. 782, 63 Stat. 954.
1902 Feb. 14	17-----	1 (3d par. under "Treasury Department").	32	6	-----	-----	Executed and superseded. Appropriated funds for paper and authorized employment of an assistant register. Appropriation is executed and authority was superseded by Act of June 26, 1930, ch. 618, 46 Stat. 817.
Do....	17-----	1 (par. under "Pensions").	32	23	-----	-----	Superseded. Prescribed the fees and expenses for surgeons examining applicants for pensions. Superseded by the Act of Sept. 22, 1922, ch. 417, 42 Stat. 1030.
Apr. 28	594-----	1 (2d par. under "Collecting Internal Revenue").	32	142	-----	-----	Authorized employment of additional internal revenue agents. Superseded by the Internal Revenue Code of 1939, 53 Stat. 1.
Do....	594-----	1 (words between 1st and 2d semicolons under "General Land Office").	32	157	-----	-----	Obsolete. Provided for appointment, duties, and pay of an assistant commissioner of the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.
Do....	594-----	3-----	32	171	-----	-----	Executed. Section provided for the transfer to the classified service of those employees who were hired temporarily because of the increased workload occasioned by the war with Spain.
Do....	595-----	2-----	32	172	-----	-----	Obsolete. Section provides for the appointment of a register and receiver in the Great Falls land district. See note for R.S. § 2234.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1902 May 2	679		32	184			Obsolete. Provided for appointment and term of two additional associate judges of the supreme court of the Territory of Oklahoma, for judicial districts and jurisdiction of the courts, and for disqualification of justices in certain cases.
May 27	888	1 (par. beginning "At Yankton Agency").	32	246			Obsolete. Provided that the money appropriated in 1902 shall not be available to any Indian agency which has an Army officer as Indian agent; and empowered the Secretary of the Interior to devolve the duties of any Indian agency upon the superintendent of the Indian training school located at the agency involved. See note for R.S. § 2052.
Do.	888	1 (2d proviso on p. 261).	32	261			Superseded. Authorized appointment by Secretary of the Interior of two superintendents of irrigation. See note for Act of May 31, 1900, ch. 598, § 1 (proviso), 31 Stat. 239.
Do.	888	2 (2d proviso)	32	274			Superseded. Provided for preference for Indians in employment and open-market purchases by the Department of the Interior. See note for Act of May 31, 1900, ch. 598, § 2 (2d proviso), 31 Stat. 246.
June 3	985	(2d par. under "General Expenses, Weather Bureau").	32	287			Superseded. Authorized the Secretary of Agriculture to grant leave of absence to employees stationed outside the city of Washington and employed in the Weather Bureau. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679.
Do.	985	(last 45 words preceding 1st proviso on p. 290).	32	290			Superseded. Authorized the Secretary of Agriculture to grant leave of absence to employees in the Bureau of Animal Industry stationed outside the city of Washington. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679.
Do.	985	(1st proviso on p. 303.)	32	303	5	524	Obsolete. See note for § 524 of Title 5, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1908 June 17	1093----	5 (last sentence).	32	389	43	381	Superseded. Provided for commissions for registers and receivers of land offices. Superseded by Act of Apr. 24, 1944, ch. 177, § 3, 58 Stat. 215.
June 28	1301----	1 (2d par. under "Antietam Battlefield").	32	464	-----	-----	Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
Do....	1312----	-----	32	492	-----	-----	Superseded. Established the office of storekeeper-gauger and provided for his pay and duties. Superseded by the Internal Revenue Code of 1939, 53 Stat. 1.
July 1	1369----	-----	32	691	-----	-----	Obsolete. Provided for a temporary civil government to administer the affairs of the Philippine Islands, and for the appointment and tenure of the necessary civil officers. The Philippine Islands were granted their independence by Proclamation No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.
Do....	1372----	-----	32	715	-----	-----	Obsolete. Amended R.S. §§ 2529 and 2544 to regulate number and pay of appraisers. R.S. §§ 2529 and 2544 were repealed by the Act of Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1428.
Do....	1383----	3-----	32	732	-----	-----	Superseded. Provided for the pay, tenure, and travel of the Resident Commissioner from Puerto Rico to the United States. Superseded by the Act of Mar. 2, 1917, ch. 145, 39 Stat. 963.
Dec. 16	2-----	-----	32	753	-----	-----	Superseded. Provided for additional pay for inspectors of customs at New York. Superseded by the Act of Mar. 4, 1923, ch. 251, § 2, 42 Stat. 1453.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1903 Feb. 14	552	6	32	827			Obsolete. Established the Bureau of Corporations in the Department of Commerce and provided for the appointment of officers and employees, their pay and duties. The Bureau was terminated under the Act of Sept. 26, 1914, ch. 311, § 3, 38 Stat. 717.
Do	552	10 (2d par.)	32	829	5	600	Obsolete. Transferred certain shipping and navigation functions from the Secretary of Treasury to the Secretary of Commerce and Labor. 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097, transferred these functions to the Commandant of the Coast Guard and the Commissioner of Customs.
Feb. 19	707	(1st 3 pars.)	32	841			Obsolete. Provided for recording of deeds in the former Indian Territory; and provided that the clerks of the United States courts in the Territory shall be ex officio recorder of deeds, set fees and compensation and provided for details of the clerks.
Feb. 25	755	1 (words between 1st and 2d semicolons under "General Land Office").	32	892			Obsolete. Provided for appointment, duties, and pay of an assistant commissioner of the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.
Mar. 3	994	1 (1st proviso on p. 997).	32	997			Superseded. Authorized Secretary of the Interior to appoint four superintendents of irrigation. See note for Act of May 31, 1900, ch. 598, § 1 (proviso), 31 Stat. 239.
Do	994	2 (3d proviso)	32	1006			Superseded. Provided for preference for Indians in employment and open-market purchases by the Department of the Interior. See note for Act of May 31, 1900, ch. 598, § 2 (2d proviso), 31 Stat. 246.
Do	1007	1 (2d par. under "Antietam Battlefield").	32	1128			Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1904 Jan. 20	40		33	9			Obsolete. Provided for appointment and pay of appraiser in the Pittsburgh customs collection district. Position was abolished by the Act of July 5, 1932, ch. 430, title II, § 1, 47 Stat. 484.
Mar. 18	716	1 (words between 1st and 2d semicolons under "General Land Office").	33	124			Obsolete. Provided for appointment, duties, and pay of an assistant commissioner of the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.
Apr. 21	1402	1 (provisos on p. 190).	33	190			Obsolete. Prohibited appropriations for Indian agents from taking effect if, during the fiscal year, any Army officer on active duty is performing the duties of an Indian agent and authorized Secretary of the Interior to devolve duties of Indian agents or superintendents of Indian schools. See note for R.S. § 2052.
Do	1402	1 (last proviso on p. 206).	33	206			Superseded. Authorized Secretary of the Interior to appoint four superintendents of irrigation. See note for Act of May 31, 1900, ch. 598, § 1 (proviso), 31 Stat. 239.
Do	1402	2 (2d proviso)	33	216			Superseded. Provided for preference for Indians in appointment and open-market purchases by Department of the Interior. See note for Act of May 31, 1900, ch. 598, § 2 (2d proviso), 31 Stat. 246.
Apr. 23	1485	(3d proviso on p. 270).	33	270			Superseded. Limited pay of civilian employees of the Quartermaster's Department. Superseded by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
Do	1486	(par. under "Salaries, Weather Bureau").	33	278			Superseded. Provided for leave of absence for employees of the Weather Bureau who are stationed outside the city of Washington. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1904 Apr. 28	1762-----	1 (9th par. on p. 478).	33	478	-----	-----	Superseded. Provided for appointment and pay of an agent to protect the salmon fisheries of Alaska, and his assistant. Superseded by the Acts of June 26, 1906, ch. 3547, § 12, 34 Stat. 480, and June 23, 1918, ch. 3, 38 Stat. 63.
Do....	1762-----	1 (2d par. under "Antietam Battlefield").	33	496	-----	-----	Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
Do....	1762-----	4-----	33	513	-----	-----	Superseded. Divided the salaries of all Government employees into 12 monthly payments and also provided a method for computing pay on a monthly basis. Superseded by the Act of June 30, 1906, ch. 3914, § 6, 34 Stat. 763.
Do....	1783-----		33	538	-----	-----	Obsolete. Provided for the appointment of an additional assistant appraiser at the port of Boston. Position was abolished by the Act of July 5, 1932, ch. 430, title II, § 1, 47 Stat. 484.
Do....	1806-----	4-----	33	551	-----	-----	Obsolete. Section provided for the appointment of 5 pharmacists to constitute the Territorial board of pharmacy for the former Indian Territory.
Do....	1806-----	6-----	33	552	-----	-----	Obsolete. Provided for pay of the members of the Territorial board of pharmacy for the former Indian Territory.
1905 Jan. 19	49-----		33	609	-----	-----	Superseded. Amended Act of June 3, 1896, ch. 313, 29 Stat. 198. See note for that Act.
Feb. 3	297-----	1 (proviso on p. 642).	33	642	-----	-----	Obsolete. Proviso allowed the detail of employees in the executive branch to the office of the President for such temporary assistance as may be necessary. Superseded by § 107 of Title 3, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1905 Feb. 3	297-----	1 (proviso on p. 652).	33	652	-----	-----	Superseded. Provided for per diem in lieu of subsistence for internal revenue agents examining the accounts of collectors of internal revenue. Superseded by the Act of June 9, 1949, ch. 185, 63 Stat. 168.
Do-----	297-----	1 (1st full par. on p. 659).	33	659	-----	-----	Superseded. Prohibited details to or from the Office of the General Staff. Superseded by the Act of June 22, 1906, ch. 3514, § 1, 34 Stat. 418.
Do-----	297-----	1 (words between 1st and 2d semicolons under "General Land Office").	33	670	-----	-----	Obsolete. Provided for appointment, duties, and pay of an assistant commissioner of the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.
Feb. 6	453-----	7-----	33	692	48	1077	Obsolete. Provided for pay and expenses of the judges of the Supreme Court of the Philippine Islands; and for selecting of temporary judge to fill vacancies. See note for Act of July 1, 1902, ch. 1369, 32 Stat. 691.
Mar. 3	1405-----	(par. under "Salaries, Weather Bureau").	33	863	-----	-----	Superseded. Provided for leave of absence for employees of the Weather Bureau who are stationed outside the city of Washington. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679.
Do-----	1405-----	(last 2 pars.)-----	33	883	-----	-----	Superseded and executed. (1) authorized Secretary of Agriculture to appoint, promote, etc., in his department; set the maximum salary for scientific investigators; and provided for details from office of the Secretary; and (2) placed certain laborers in the classified service without examination. (1) is superseded by Act of Mar. 4, 1907, ch. 2907, § 1, 34 Stat. 1280; and (2) is executed.
Do-----	1406-----	1 (proviso on p. 898).	33	898	-----	-----	Superseded. Provided that there shall be no discrimination in assigning salaries to teachers in the District of Columbia because of sex and that the division of salaries is prohibited. Superseded by the Act of Sept. 1, 1916, ch. 433, § 1, 39 Stat. 695.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1905 Mar. 3	1413	2	33	983			Superseded. Authorized appraisers of merchandise to appoint officers to act as appraiser during his absence. Superseded by the Act of Mar. 4, 1923, ch. 251, § 2, 42 Stat. 1453.
Do	1455		33	1026	46	382	Obsolete. Section amended R.S. § 4414 to provide for pay and appointments of local inspectors of hulls and boilers in enumerated collection districts and ports. The positions were abolished by 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.
Do	1457	1	33	1028	46	384	Obsolete. Amended R.S. § 4415 to provide for qualifications of inspectors of hulls and inspectors of boilers in the Steamboat-Inspection Service. The positions were abolished by 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.
Do	1457	2	33	1029	46	385	Obsolete. Amended R.S. § 4416 to prescribe conditions of eligibility for supervising, local, and assistant inspector of the Steamboat-Inspection Service. The positions were abolished by 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.
Do	1479	1 (last proviso on p. 1060).	33	1060			Superseded. Authorized Secretary of the Interior to appoint four superintendents of irrigation. See note for Act of May 31, 1900, ch. 598, § 1 (proviso), 31 Stat. 239.
Do	1479	2 (2d proviso)	33	1077			Superseded. Provided for preference for Indians in employment and open-market purchases by the Department of the Interior. See note for Act of May 31, 1900, ch. 598, § 2 (2d proviso), 31 Stat. 246.
Do	1483	1 (2d par. under "Antietam Battlefield")	33	1197			Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Vol- ume	Page	Title	Section	
1906 Feb. 27	510-----	1 (9th par. under "The Isthmian Canal").	34	33	-----	-----	Obsolete. Made the Act of Aug. 1, 1892, which is carried, in part, into this revision, inapplicable to alien laborers employed in the construction of the Isthmian Canal. The Canal has been completed.
Apr. 5	1366-----		34	99	-----	-----	Superseded. Reorganized the consular service and provided for classification and pay of consuls general and the consuls of the United States. Superseded by the Act of Feb. 5, 1915, ch. 23, §2, 38 Stat. 805.
Apr. 9	1372-----		34	106	-----	-----	Obsolete. Provided for pay, appointment, and details of inspectors of hulls and boilers of the Steamboat-Inspection Service. The positions were abolished by 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.
Apr. 24	1865-----	3-----	34	136	46	261	Obsolete. Provided that the Act of which it was a part should not be construed to amend laws then in force for compensation of customs officers. The laws then in force were superseded by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
May 7	2083-----	2-----	34	170	48	132, 134	Obsolete. Provided for the election, pay, terms, and allowances of the Delegates from the Territory of Alaska. Alaska was proclaimed a State by Proc. No. 3269, Jan. 5, 1959, pursuant to the Act of July 7, 1958, Pub. L. 85-508, 72 Stat. 339.
June 16	3337-----	(par. under "Clerks at Embassies and Legations").	34	288	-----	-----	Superseded. Required that clerks at embassies and legations be citizens of the United States. Superseded by the Act of Feb. 23, 1931, ch. 276, 46 Stat. 1207. Similar provisions were contained in the Acts of Feb. 22, 1907, ch. 1184, 34 Stat. 918; May 21, 1908, ch. 183, 35 Stat. 173; Mar. 2, 1909, ch. 235, 35 Stat. 674; May 6, 1910, ch. 199, 36 Stat. 338; Mar. 3, 1911, ch. 208, 36 Stat. 1029; Apr. 30, 1912, ch. 97, 37 Stat. 96; Feb. 28, 1913, ch. 86, 37 Stat. 689;

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
							June 30, 1914, ch. 132, 38 Stat. 444; Mar. 4, 1915, ch. 145, 38 Stat. 1117; July 1, 1916, ch. 208, 39 Stat. 253; Mar. 3, 1917, ch. 161, 39 Stat. 1048; Oct. 6, 1917, ch. 79, 40 Stat. 346; Apr. 15, 1918, ch. 52, 40 Stat. 520; Apr. 4, 1919, ch. 123, 40 Stat. 1327; June 4, 1920, ch. 223, 41 Stat. 740; Mar. 2, 1921, ch. 113, 41 Stat. 1206; June 1, 1922, ch. 204, 42 Stat. 601; Jan. 3, 1923, ch. 21, 42 Stat. 1070; May 5, 1924, ch. 204, 43 Stat. 206; Feb. 27, 1925, ch. 364, 43 Stat. 1016; Apr. 29, 1926, ch. 195, 44 Stat. 331; Feb. 24, 1927, ch. 189, 44 Stat. 1180; Feb. 15, 1928, ch. 57, 45 Stat. 65; Jan. 25, 1929, ch. 102, 45 Stat. 1096; and Apr. 18, 1930, ch. 184, 46 Stat. 175.
1906 June 19	3436	3	34	303			Superseded. Section created Sabine, Tex., as a subport of entry and provided for the appointment and pay of the necessary customs officers. Superseded by the Acts of Aug. 24, 1912, ch. 355, 37 Stat. 434; and Oct. 28, 1949, ch. 782, 63 Stat. 954.
June 20	3443	4	34	315			Superseded. Provided a salary schedule for the members of the District of Columbia Fire Department. Superseded by the Act of June 30, 1953, ch. 146, § 201, 67 Stat. 72.
Do	3446	4	34	318			Superseded. Provided for the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia. Superseded by the Act of Aug. 5, 1955, ch. 569, title I, 69 Stat. 521.
Do	3446	8	34	320			Superseded. Provided salaries and periodic increases for the directors in the District of Columbia school system. Superseded by the Act of Aug. 5, 1955, ch. 569, title I, 69 Stat. 521.
Do	3446	9	34	321			Superseded. Section provided for the salaries of certain officers in the District of Columbia school system. Superseded by the Act of Aug. 5, 1955, ch. 569, title I, 69 Stat. 521.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1906 June 21	3504-----	(3d proviso on p. 326).	34	326	-----	-----	Superseded. Provided for preference for Indians in employment and open-market purchases. See note for Act of May 31, 1900, ch. 598, § 2 (2d proviso), 31 Stat. 246.
Do-----	3504-----	(1st proviso on p. 328).	34	328	-----	-----	Superseded. Authorized employment of four superintendents of irrigation. See note for Act of May 31, 1900, ch. 598, § 1 (proviso), 31 Stat. 239.
Do-----	3504-----	(2d full par. on p. 345).	34	345	-----	-----	Obsolete. Prohibited Federal employees of the Commission to the Five Civilized Tribes or its successor from acting as agent or attorney before the Commissioner within 2 years of employment in the Government. The Commission completed its work in 1910 and no successor was appointed.
June 22	3514-----	1 (1st proviso on p. 401).	34	401	-----	-----	Superseded. Authorized details to the office of the President. Superseded by § 107 of title 3, U.S.C.
Do-----	3514-----	1 (3d proviso on p. 417).	34	417	-----	-----	Superseded. Proviso prohibited members of the Territorial Legislature of Hawaii from being paid for any extra session held in compliance with the Act of Apr. 30, 1900, ch. 339, § 54, 31 Stat. 150. Superseded by Act of June 27, 1930, ch. 647, 46 Stat. 324.
Do-----	3514-----	1 (words between 1st and 2d semicolons under "General Land Office").	34	429	-----	-----	Obsolete. Provided for appointment, duties, and pay of an assistant commissioner of the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.
Do-----	3514-----	5-----	34	449	5	670	Superseded. Section required employees to serve 3 years in one executive department before being permitted to transfer to another. Section was superseded by the Act of Mar. 4, 1923, ch. 265, § 10, 42 Stat. 1488, which authorized the transfer of employees in accordance with regulations prescribed by the President. The act was repealed by the Act of Oct. 28, 1949, ch. 782, title XII, § 1202(1), 63 Stat. 972. This repeal did not revive the earlier law (1 U.S.C. 108).

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1906 June 25	3528		34	456	48	3	Obsolete. Provided that the Chief of the Bureau of Insular Affairs of the War Department shall serve for 4 years and have the rank of brigadier general. The office of Chief of the Bureau of Insular Affairs was abolished by 1939. Reorg. Plan No. 2, § 4(d), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.
June 27	3553	1 (provisos on p. 500).	34	500			Superseded. Authorized use of vacated salaries in the District of Columbia school system; prohibited sex discrimination when assigning salaries in the District of Columbia school system; and prohibited a division of salaries. Superseded by the Acts of Aug. 5, 1955, ch. 569, title I, 69 Stat. 521; and Sept. 1, 1916, ch. 433, § 1, 39 Stat. 695.
Do.	3553	1 (1st proviso on p. 506).	34	506			Superseded. Prohibited certain conflicts of interest of employees of the District of Columbia Health Department. Superseded by the Act of Mar. 2, 1907, ch. 2510, § 1, 34 Stat. 1145.
June 30	3912	4	34	669			Obsolete. Section excepted unskilled alien laborers engaged in the construction of the Panama Canal and their foremen and superintendents from the operation of the Act of Aug. 1, 1892, ch. 352, 27 Stat. 340. The canal has been completed.
Do.	3913	(par. under "Salaries, Weather Bureau").	34	672			Superseded. Provided for leave of absence for employees of the Weather Bureau stationed outside the city of Washington, and for extensions of sick leave in certain cases. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679.
Do.	3913	(words between last semicolon on p. 673 and 1st proviso on p. 674).	34	673			Superseded. Provided for leave of absence for employees of the Bureau of Animal Industry who are stationed outside the city of Washington. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1906 June 30	3913-----	(3d par. on p. 678).	34	678	-----	-----	Superseded. Provided for appointment and duties of inspectors of animals and meat. Superseded by the Act of Mar. 4, 1907, ch. 2907, 34 Stat. 1264.
Do....	3913-----	(1st full sentence on p. 681).	34	681	-----	-----	Superseded. Provided for leave for employees of the Bureau of Plant Industry stationed outside the city of Washington. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679.
Do....	3913-----	(1st full sentence on p. 694).	34	694	5	537	Superseded. Provided for leave of absence for employees of experiment stations in Alaska, Hawaii, and Puerto Rico. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679.
Do....	3913-----	(3d full par. on p. 695, less 3d proviso).	34	695	5	526 note	Superseded. Authorized Secretary of Agriculture to make appointments, promotions, changes in salary, etc.; set the maximum salary for scientific investigator and provided for details from and to the Secretary's office. Superseded by the Act of Mar. 4, 1907, ch. 2907, § 1, 34 Stat. 1280.
Do....	3913-----	(3d proviso on p. 695).	34	695	5	526	Obsolete. Provided eligibility for promotion without examination of certain laborers who were transferred to the classified service by the Act of Mar. 3, 1905, ch. 1405, 33 Stat. 883.
Do....	3914-----	1 (2d par. under "Antietam Battlefield").	34	741	-----	-----	Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield") 31 Stat. 630.
Do....	3914-----	4 (last sentence)	34	763	-----	-----	Obsolete. Provided for salary of the Appraiser of Merchandise for the Port of Chicago. Position was abolished by the Act of July 5, 1932, ch. 430, title I, § 1, 47 Stat. 584.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1907 Feb. 1	444	2	34	874			Superseded. Provided for designation of assistant appraisers of merchandise in the district of New York as special deputy appraiser, and deputy appraisers; compensation of such designees; and reports required. Superseded by the Acts of Mar. 4, 1923, ch. 251, § 2, 42 Stat. 1453; and Oct. 28, 1949, ch. 782, 63 Stat. 954.
Feb. 20	1134	34	34	908			Superseded. Provided for appointment of a commissioner of immigration at New Orleans. Superseded by Act of June 26, 1930, ch. 618, 46 Stat. 817, which is carried into this revision.
Feb. 22	1184	(par. under "Clerks at Embassies and Legations").	34	918			Superseded. Required that clerks at embassies and legations be citizens of the United States. See note for Act of June 16, 1906, ch. 3337 (par. under "Clerks at Embassies and Legations"), 34 Stat. 288.
Do.	1184	(2d par. under "Schedule C").	34	923			Obsolete. Provided for salaries of consular clerks, amending R.S. § 1704 which provided for the appointment and pay of consular clerks. R.S. § 1704 was repealed by the Act of Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1428.
Feb. 26	1635	1 (1st proviso on p. 947).	34	947			Obsolete. Provided for details of employees from the executive branch to the Office of the President of the United States for temporary assistance. Superseded by § 107 of Title 3, U.S.C.
Do.	1635	1 (words between 1st and 2d semicolons under "General Land Office").	34	975			Obsolete. Provided for appointment, duties, and pay of an assistant commissioner of the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.
Do.	1635	4	34	993	2 3 5	31 44 3	Superseded in part. Repealed in part. Fixed the salaries of the Speaker of the House, the Vice-President of the United States, heads of executive departments, and Members of Congress. So much as relates to the salary of the Vice-President was repealed by the Act of June

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1907 Mar. 1	2285	(2d proviso on p. 1015).	34	1015			25, 1948, ch. 644, § 3, 62 Stat. 672. So much as relates to salaries of heads of executive departments was superseded by § 303 of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 416. So much as relates to the Speaker of the House and Members of Congress was superseded by the Act of Mar. 2, 1955, ch. 9, § 4(a), 69 Stat. 11, as amended (78 Stat. 415).
Do.	2285	(1st proviso on p. 1017).	34	1017			Superseded. Provided for preference for Indians in employment and open-market purchases. See note for Act of May 31, 1900, ch. 598, § 2 (2d proviso), 31 Stat. 246.
Mar. 2	2558		34	1241			Superseded. Authorized appointment of five superintendents of irrigation. See note for Act of May 31, 1900, ch. 598, § 1 (proviso on p. 239), 31 Stat. 239.
Do.	2574		34	1252			Obsolete. Established the Foundation for the Promotion of Industrial Peace and a board of trustees to administer the fund. The fund was the Nobel peace prize awarded to President Theodore Roosevelt. In 1917 the trustees of the fund returned it to Mr. Roosevelt pursuant to resolution of July 12, 1918, ch. 150, 40 Stat. 899, and the board of trustees was dissolved.
Mar. 4	2907	(56th through 132d words in 3d par. on p. 1258).	34	1258			Superseded. Provided for filling of vacancies by appointment or promotion, limitation number of appointees, and use of unexpended appropriations for salaries in the District of Columbia Police Department. Superseded by the Acts of May 26, 1908, ch. 198, 35 Stat. 296, and Dec. 1919, ch. 1, § 1, 41 Stat. 363.
							Superseded. Provided for leave of absence for employees of the Weather Bureau station outside the city of Washington. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1907 Mar. 4	2907	(words between 1st semicolon and 1st proviso on p. 1260).	34	1260			Superseded. Provided for leave of absence for employees of the Bureau of Animal Industry stationed outside the city of Washington. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679.
Do	2907	(1st full sentence on p. 1267).	34	1267			Superseded. Provided for leave of absence for employees of the Bureau of Plant Industry stationed outside the city of Washington. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679.
Do	2907	(1st full sentence on p. 1270).	34	1270			Superseded. Provided for leave of absence for employees of the Forest Service stationed outside the city of Washington. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679.
Do	2907	(words between 2d semicolon and the proviso in the 4th full sentence on p. 1272).	34	1272			Superseded. Provided for leave of absence for employees of the Bureau of Chemistry stationed outside the city of Washington. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679.
Do	2907	(1st 46 words of 4th par. on p. 1280).	34	1280	5	527	Obsolete. See note for § 527 of Title 5, U.S.C.
Do	2918	1 (2d par. under "Antietam Battlefield").	34	1346			Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
Do	2931		34	1412			Superseded. Provided for the organization, duties, and oaths of members of the District of Columbia Board of Medical Examiners. Superseded by the Act of Feb. 27, 1929, ch. 352, 45 Stat. 1328.
1908 Mar. 16	93	2	35	45			Obsolete. Provided for appointment of a register and receiver for the Tucumcari land district in New Mexico. See note for R.S. § 2234.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1908 Mar. 26	99		35	46			Superseded. Sec. 3 was repealed by the Act of Aug. 4, 1949, ch. 393, § 20, 63 Stat. 561. Remainder provided for pay and subsistence of employees of the United States Life-Saving Service. Superseded by the Act of Jan. 28, 1915, ch. 20, 38 Stat. 800.
Apr. 30	153	(1st proviso on p. 72).	35	72			Superseded. Authorized appointment of five superintendents of irrigation. See note for Act of May 31, 1900, ch. 598, § 1 (proviso), 31 Stat. 239.
May 11	162	("Sec. 5")	35	103			Superseded. Prescribed licensing requirements for hunting in Alaska, and authorized employment of game wardens. Superseded by the Act of Jan. 13, 1925, ch. 75, §§ 5, 11, 43 Stat. 741, 744.
Do.	164		35	125			Obsolete. Increased the number of members on the Philippine Commission and authorized a new executive department for the Philippine Government. The Philippines were granted their independence by Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.
May 21	183	(par. under "Clerks at Embassies and Legations").	35	173			Superseded. Required that clerks at embassies and legations be citizens of the United States. See note for Act of June 16, 1906, ch. 3337 (par. under "Clerks at Embassies and Legations"), 34 Stat. 288.
Do.	183	(1st par. under "Schedule C").	35	180			Obsolete. Changed the designation of consular clerks to consular assistants. Position of consular assistant was abolished by the Act of May 24, 1924, ch. 182, § 8, 43 Stat. 142.
May 22	186	1 (proviso on p. 213).	35	213			Superseded. Provided salary restrictions on members of the Legislature of the Territory of Hawaii if called into session under § 54 of the act which provided a government for the Territory of Hawaii, approved Apr. 13, 1913. Superseded by the Act of June 27, 1930, ch. 647, 46 Stat. 824.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1908 May 22	186-----	1 (words between 1st and 2d semicolons and 2d and 3d pars. under "General Land Office").	35	225	-----	-----	Obsolete. Provided for appointment, duties, and pay of an assistant commissioner of the General Land Office and provided for vacancies in that position and in the position of Recorder. Superseded by Reorg. Plan No. 3, § 403(d), eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, which abolished the General Land Office.
May 23	192-----	(4th par. on p. 267).	35	267	-----	-----	Superseded. Provided for leave of absence of employees of the Department of Agriculture stationed outside the city of Washington. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679.
May 26	198-----	6-----	35	311	-----	-----	Superseded. Provided for leave of absence for per diem employees and laborers of the District of Columbia on Labor Day. Superseded by the Act of June 5, 1920, ch. 234, § 7, 41 Stat. 873.
May 27	200-----	1 (2d par. under "Antietam Battlefield").	35	362	-----	-----	Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
May 28	212-----	9-----	35	428	-----	-----	Obsolete. Amended R.S. § 4414 to provide new appointments and ports. See note for R.S. § 4414.
May 29	220-----	13 (last sentence).	35	468	-----	-----	Obsolete. Provided for the appointment of a register and receiver in the Lemmon land district. See note for R.S. § 2234.
May 30	236-----	-----	35	556	-----	-----	Superseded. Provided workmen's compensation for certain employees of the United States. Superseded by the Act of Sept. 7, 1916, ch. 458, 39 Stat. 742, as amended, which is carried into this revision.
1909 Feb. 6	77-----	(last sentence)	35	598	-----	-----	Provided for appointment and pay of a register and receiver in the Bellefourche land district. See note for R.S. § 2234.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1909 Feb. 17	137	1	35	626			Superseded. Provided salary for the Secretary of State. Superseded by the Act of July 31, 1956, ch. 804, title I, 70 Stat. 736, as amended.
Do	137	2	35	626			Superseded. Prescribed limitations on the emoluments attached to the office of the Secretary of State. Superseded by the Act of Mar. 4, 1909, ch. 297, 35 Stat. 861.
Do	137	3	35	626			Executed. Provided effective date for the Act of which it was a part.
Feb. 18	148		35	637			Obsolete. Amended the act establishing the Foundation for the Promotion of Industrial Peace; provided for appointment of trustees, tenure, vacancies, and meetings. See note for Act of Mar. 2, 1907, ch. 2258, 34 Stat. 1241.
Feb. 24	179		35	645			Superseded. Provided injured employees of the Isthmian Canal Commission leave of absence with pay when injured, the Workmen's Compensation Act of 1908 notwithstanding. Superseded by the Act of Sept. 7, 1916, ch. 458, 39 Stat. 750, as amended.
Feb. 27	223		35	657			Superseded. Provided for payment for medical services to injured members of the District of Columbia Fire Department from firemen's pension fund. Superseded by the Act of Sept. 1, 1916, ch. 433, 39 Stat. 718.
Mar. 2	235	(par. under "Clerks at Embassies and Legations").	35	674			Superseded. Required that clerks at embassies and legations be citizens of the United States. See note for Act of June 16, 1906, ch. 3337, (par. under "Clerks at Embassies and Legations"), 34 Stat. 288.
Mar. 3	250	1 (proviso on p. 691).	35	691			Superseded. Prohibited certain conflicts of interest for the Office of Inspector of Asphalts and Cements. Superseded by the Act of Sept. 1, 1916, ch. 433, 39 Stat. 679.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1909 Mar. 3	263.....	(3d proviso on p. 782).	35	782	-----	-----	Superseded. Authorized appointment of five superintendents of irrigation. See note for Act of May 31, 1900, ch. 598, § 1 (proviso), 31 Stat. 239.
Do....	263.....	(6th par. on p. 784).	35	784	25	37	Obsolete. Prescribed conduct, records, reports, and penalties attaching to the office of Indian agent. See note for R.S. § 2052.
Do....	269.....	11.....	35	842	-----	-----	Obsolete. Increased the number of justices in the Supreme Court for the former Territory of New Mexico; and provided that a presiding judge in a lower court shall not hear the case on appeal.
Do....	269.....	12.....	35	842	-----	-----	Obsolete. Provided for the appointment and tenure for one additional judge for the Supreme Court for the former Territory of New Mexico.
Do....	269.....	20.....	35	843	-----	-----	Superseded. Provided for the number and duties of clerks and marshals for the northern judicial district of Alabama. Superseded by the Act of June 25, 1948, ch. 646, § 1, 62 Stat. 873.
Do....	269.....	21.....	35	843	-----	-----	Superseded. Fixed pay of certain United States district attorneys. Superseded by the Act of June 25, 1948, ch. 646, § 1, 62 Stat. 944.
Mar. 4	297.....	1 (proviso on p. 876).	35	876	-----	-----	Obsolete. Relates to the assumption of the duties of the assayer of the Salt Lake City Assay Office by the cashier in the former's absence. Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, as amended, transferred all functions of all officers of the Department of Treasury, and all functions of all agencies and employees of the Department were transferred with certain exceptions, to the Secretary of the Treasury, with power to authorize their performance or the performance of any of its functions by any of such officers, agencies, and employees.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1909 Mar. 4	297-----	1 (words between 1st and 2d semicolons under "General Land Office").	35	889	-----	-----	Obsolete. Provided for appointment, duties, and pay of an assistant commissioner in the General Land Office. See note for Act of June 17, 1910, ch. 297, 36 Stat. 512.
Do-----	299-----	1 (proviso on p. 983).	35	983	-----	-----	Obsolete. Prescribed a limit on total compensation to be paid for additional clerical assistants to be employed by the clerks of naturalization courts. The authority to employ such additional clerks was repealed by Act of Oct. 14, 1940, ch. 876, title I, subch. V, § 504, 54 Stat. 1172.
Do-----	299-----	1 (2d par. under "Antietam Battlefield").	35	1002	-----	-----	Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
Do-----	301-----	(3d par. under "Miscellaneous").	35	1057	523	-----	Obsolete. See note for § 523 of Title 5, U.S.C.
Do-----	314-----	2-----	35	1065	-----	-----	Superseded. Authorized the Secretary of the Treasury to fix the pay of inspectors of customs. Superseded by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
Do-----	314-----	3-----	35	1065	-----	-----	Superseded. Authorized the Secretary to fix the pay of deputy collectors, assistant appraisers, and certain examiners of customs. Superseded by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
Do-----	314-----	4-----	35	1065	-----	-----	Superseded. Authorized the Secretary of the Treasury to fix the pay of deputy naval officers and deputy surveyors of customs. Superseded by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
Do-----	314-----	6-----	35	1065	-----	-----	Superseded. Authorized the Secretary of the Treasury to fix the pay of assistant weighers in the customs service. Superseded by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1909 Mar. 4	314	7	35	1065	31	141	Superseded. Fixed the salary of the Treasurer of the United States. Superseded by § 107(b) of the Act of July 31, 1956, ch. 804, 70 Stat. 739, as amended by §§ 303(f) and 304 of the Act of Oct. 4, 1961, Pub. L. 87-367, 75 Stat. 794.
Do.	314	8	35	1065			Executed. Repealed laws inconsistent with the Act of which it was a part.
Aug. 5	6	28 ("Sec. 30")	36	108	5	296	Obsolete. Provided for appointment, pay, and duties of Assistant Attorney General, Deputy Assistant Attorney General, and four attorneys for customs matters. 1953 Reorg. Plan No. 4, § 2, eff. June 20, 1953, 18 F.R. 3577, 67 Stat. 636, abolished the office of Assistant Attorney General in charge of customs matters.
1910 Feb. 25	62	1 (2d par. under "Judicial").	36	214	5	296	Obsolete. Fixed pay of Assistant Attorney General in charge of customs matters. That office was abolished by 1953 Reorg. Plan No. 4, § 2, eff. June 20, 1953, 18 F.R. 3577, 67 Stat. 636.
May 6	199	(par. under "Clerks at Embassies and Legations").	36	338			Superseded. Required that clerks at embassies and legations be citizens of the United States. See note for Act of June 16, 1906, ch. 3337, (par. under "Clerks at Embassies and Legations"), 34 Stat. 288.
May 18	248	1 (proviso on p. 377).	36	377			Superseded. Prohibited certain conflicts of interest of inspector of asphalts and cements, District of Columbia. Superseded by the Act of Sept. 1, 1916, ch. 433, 39 Stat. 679.
May 26	256	(1st proviso)	36	416			Superseded. Authorized details of law clerks employed in the Department of Agriculture. Superseded by the Act of Mar. 4, 1911, ch. 238, 36 Stat. 1236.
June 17	297	1 (2d par. under "Civil Service Commission").	36	483			Superseded. Authorized members of the Civil Service Commission to administer oaths in matters pending before the Commission. Superseded by the Act of Aug. 28, 1912, ch. 350, 37 Stat. 372.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1910 June 17	297-----	1 (last 16 words in 3d full par. on p. 508).	36	508	5	457b	Superseded. Provided for the detail of not more than two naval officers to the Hydrographic Office. Superseded by the Act of June 4, 1920, ch. 228, 41 Stat. 816.
Do-----	297-----	1 (proviso on p. 511).	36	511	-----	-----	Obsolete. Provided that no vacancies occurring on the Board of Pensions as constituted in 1910 should be filled in any manner. The Board of Pensions was consolidated with other bureaus by E.O. 5398, dated July 21, 1930, to form the Veterans' Administration.
Do-----	297-----	1 (words between 1st and 2d semicolons under "General Land Office").	36	512	-----	-----	Obsolete. Provided for appointment, duties, and pay of an assistant commissioner of the General Land Office. The General Land Office was abolished by 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100. Similar provisions were contained in the Acts of Mar. 4, 1909, ch. 297, § 1, 35 Stat. 889; May 22, 1908, ch. 186, § 1, 35 Stat. 225; Feb. 22, 1907, ch. 1635, § 1, 34 Stat. 975; June 22, 1906, ch. 3514, § 1, 34 Stat. 429; Mar. 3, 1905, ch. 297, § 1, 33 Stat. 670; Mar. 18, 1904, ch. 716, § 1, 33 Stat. 124; Feb. 25, 1903, ch. 755, § 1, 32 Stat. 892; Apr. 28, 1902, ch. 594, § 1, 32 Stat. 157; Mar. 3, 1901, ch. 830, § 1, 31 Stat. 996; Apr. 17, 1900, ch. 192, § 1, 31 Stat. 121; Feb. 24, 1899, ch. 187, § 1, 30 Stat. 877; Mar. 15, 1898, ch. 68, § 1, 30 Stat. 305; Feb. 19, 1897, ch. 265, § 1, 29 Stat. 567; May 28, 1896, ch. 252, § 1, 29 Stat. 168; Mar. 2, 1895, ch. 177, § 1, 28 Stat. 794; July 31, 1894, ch. 174, § 1, 28 Stat. 193; Mar. 3, 1893, ch. 211, § 1, 27 Stat. 704; July 16, 1892, ch. 196, § 1, 27 Stat. 213; Mar. 3, 1891, ch. 541, § 1, 26 Stat. 937; July 11, 1890, ch. 667, § 1, 26 Stat. 257; Feb. 26, 1889, ch. 279, § 1, 25 Stat. 735; July 11, 1888, ch. 615, § 1, 25 Stat. 285; Mar. 3, 1887, ch. 592, § 1, 24 Stat. 622; July 31,

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1910 June 25	384	1 (2d par. under "Antietam Battlefield").	36	723			1886, ch. 827, § 1, 24 Stat. 199; Mar. 3, 1885, ch. 343, § 1, 23 Stat. 416; and July 7, 1884, ch. 331, § 1, 23 Stat. 186.
Do.	384	1 (2d sentence of 3d par. on p. 750).	36	750			Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
Do.	384	1 (proviso on p. 765).	36	765			Superseded. Provided that foreign counsel employed by the Attorney General in special cases shall not be required to take the oath of office required by R.S. § 366. Superseded by Act of Apr. 17, 1930, ch. 174, 46 Stat. 170.
Do.	384	1 (proviso on p. 767).	36	767	44	46	Obsolete. Limited total compensation to be paid for additional clerical assistants to be employed by the clerks of the naturalization courts. The authority to employ such additional clerks was repealed by Act of Oct. 14, 1940, ch. 876, title I, subch. V, § 504, 54 Stat. 1172.
Do.	385	(last sentence on p. 799).	36	799			Superseded. Provided for leave for employees of the Government Printing Office. Superseded by Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679.
Do.	397		36	828			Superseded. Provided that foreign counsel employed by the Attorney General in special cases shall not be required to take the oath of office required by R.S. § 366. Superseded by Act of Apr. 17, 1930, ch. 174, 46 Stat. 170.
Do.	411		36	838			Superseded. Provided for uniform salaries for United States district attorneys and marshals in Texas. Superseded by the Act of June 25, 1948, ch. 646, § 1, 62 Stat. 910.
							Superseded. Provided for an increase of salary for the United States marshal for the eastern district of Louisiana. Superseded by the Act of June 25, 1948, ch. 646, § 1, 62 Stat. 910.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1910 Dec. 23	7-----	(3d par. on p. 890).	36	890	-----	-----	Superseded. Provided that surveyors in the public land service shall receive not more than \$3.00 per diem in lieu of subsistence. Superseded by the Act of June 9, 1949, ch. 185, 63 Stat. 166.
1911 Jan. 11	25-----	-----	36	894	-----	-----	Obsolete. Provided for annual salary of the appraiser of merchandise at San Francisco. The office was abolished by the Act of July 5, 1932, ch. 430, title I, § 1, 47 Stat. 584.
Feb. 24	149-----	-----	36	928	-----	-----	Superseded. Provided for an increase in pay for storekeeper-gaugers, storekeepers, and gaugers in the Internal Revenue Service. Superseded by the Internal Revenue Code of 1954. Act of Aug. 16, 1954, 9:45 a.m., E.D.T., ch. 736, § 7851, 68A Stat. 921.
Mar. 2	192-----	1 (last full par. on p. 967).	36	967	-----	-----	Superseded. Provided that § 30 of Title 5, U.S.C., regulating leave of absence to employees of the Federal Government shall apply to certain employees of the District of Columbia. Superseded by the Acts of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679, and July 2, 1953, ch. 178, 67 Stat. 136.
Mar. 3	208-----	(par. under "Clerks at Embassies and Legations").	36	1029	-----	-----	Superseded. Required that clerks at embassies and legations be citizens of the United States. See note for Act of June 16, 1906, ch. 3337 (par. under "Clerks at Embassies and Legations"), 34 Stat. 288.
Do----	210-----	1 (last proviso on p. 1059).	36	1059	-----	-----	Superseded. Authorized appointment of seven superintendents of irrigation. See note for Act of May 31, 1900, ch. 598, § 1 (proviso), 31 Stat. 239.
Mar. 4	237-----	1 (1st proviso on p. 1185).	36	1185	-----	-----	Superseded. Provided for details of employees in the executive branch to the Office of the President for such temporary assistance as may be necessary. Superseded by § 107 of Title 3, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1911 Mar. 4	238-----	(1st 19 words of last par. on p. 1258, and 1st par. on p. 1259).	36	1258, 1259	5	525	Obsolete. See note for § 525 of Title 5, U.S.C.
Do----	238-----	(penultimate par.)	36	1265	5	539	Superseded. Provided for traveling expenses for employees of the Department of Agriculture who are transferred from one official station to another. Superseded by the Act of June 9, 1949, ch. 185, 63 Stat. 166.
Do----	285-----	1 (2d proviso on p. 1394).	36	1394	42	125	Obsolete. Provided for compensation for health officers investigating leprosy at Kaili and other places in Hawaii. The proviso amended Act of Mar. 3, 1905, ch. 1443, § 7, 33 Stat. 1010, which was repealed by Act of July 1, 1944, ch. 373, title VII, § 713, 58 Stat. 714, renumbered by Acts of Aug. 13, 1946, ch. 958, § 5, 60 Stat. 1049, and Feb. 28, 1948, ch. 83, § 9(b), 62 Stat. 47.
Do----	285-----	1 (2d par. under "Antietam Battlefield").	36	1400	-----	-----	Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
1912 Feb. 10	35-----	-----	37	63	-----	-----	Superseded. Provided for pay and leave of special policemen for the District of Columbia stationed at street railway crossings, etc., on the same basis as members of the Metropolitan police force. Superseded by Act of Sept. 1, 1916, ch. 433, 39 Stat. 720.
Mar. 11	57-----	-----	37	74	-----	-----	Superseded. Provided for the extension of the protection under the workmen's compensation law approved May 13, 1908, to certain employees of the Bureau of Mines. Superseded by the Act of Sept. 7, 1916, ch. 458, 39 Stat. 743.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1912 Apr. 30	97-----	(par. under "Clerks at Embassies and Legations").	37	96	-----	-----	Superseded. Required that clerks at embassies and legations be citizens of the United States. See note for Act of June 16, 1906, ch. 3337, (par. under "Clerks at Embassies and Legations"), 34 Stat. 288.
May 10	117-----		37	110	-----	-----	Superseded. Provided that the special examiner of drugs, medicines, and chemicals in the district of Boston and Charlestown should serve also as assistant appraiser. Superseded by Act of Mar. 4, 1923, ch. 251, 42 Stat. 1453.
June 15	168-----		37	133	-----	-----	Superseded. Established subport at Indiana Harbor and provided for appointment and pay of customs officers there. Superseded by the Acts of Aug. 12, 1912, ch. 335, 37 Stat. 434; Mar. 3, 1923, ch. 251, § 2, 42 Stat. 1453; and Oct. 28, 1949, ch. 782, 63 Stat. 954.
Do-----	169-----		37	133	-----	-----	Superseded. Provides that Bay City, Mich., shall be constituted a subport of entry in the Huron district; also provides for the appointment of customs officers and their rate of pay. Superseded by the Acts of Aug. 12, 1912, ch. 355, 37 Stat. 434; Mar. 4, 1923, ch. 251, § 2, 42 Stat. 1453; and Oct. 28, 1949, ch. 782, 63 Stat. 954.
June 26	182-----	1 (proviso on p. 143).	37	143	-----	-----	Superseded. Provides that the inspector of asphalts and cements shall not accept outside employment of a similar nature and must work exclusively for the District of Columbia. Superseded by the Act of Sept. 1, 1916, ch. 433, 39 Stat. 679.
Do-----	182-----	1 (7th par. on p. 159).	37	159	-----	-----	Superseded. Authorized the District of Columbia Board of Education to fill certain vacancies occurring during school sessions; provided for the rate of pay for substitutes. Superseded by the Act of Mar. 4, 1913, ch. 150, § 1, 37 Stat. 956.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1912 June 26	182-----	1 (1st full par. on p. 164).	37	164			Superseded. Provided that firemen of the District of Columbia shall not leave the District unless on leave; and for rates of annual and sick leave. Superseded by the Act of July 25, 1956, ch. 726, § 2, 70 Stat. 647.
July 25	253-----	1 (2d par. on p. 218).	37	218	33	645	Superseded. Provided for traveling expenses of civilian members of Mississippi River Commission and of Assistant Engineer of Board of Engineers for Rivers and Harbors. Superseded by the Act of June 9, 1949, ch. 185, 63 Stat. 166.
Aug. 10	284-----	(6th and 7th pars. on p. 300).	37	300	5	540, 541	Superseded. Provided for allowances for travel expenses of employees of the Department of Agriculture while on official business for per diem in lieu of subsistence; and for reimbursement for streetcar fares. Superseded by the Act of June 9, 1949, ch. 185, 63 Stat. 166.
Aug. 17	301-----	1 (3d par. on p. 312).	37	312			Obsolete and executed. Provided (1) for the appointment, tenure, and pay of a clerk for the payment of pensions, and (2) for the repeal of existing law. (1) is obsolete in view of Act of July 3, 1930, ch. 863, 46 Stat. 1016, and E.O. 5398 of July 21, 1930, and (2) is executed.
Aug. 24	355-----	1 (2d par. under "Antietam Battlefield").	37	440			Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
Do-----	355-----	8-----	37	487	5 16 19 25 39	93a, 97 454 50 34 33	Obsolete. As amended June 6, 1939, authorized certain officers to administer oaths to expense accounts. See note for Act of June 6, 1939, ch. 185, 53 Stat. 810.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1912 Aug. 24	387-----	4-----	37	513	48	67-72	Obsolete. Provided for a legislature for the former Territory of Alaska; and for term of office, pay, and mileage of members of the Legislature. The President proclaimed Alaska a State, Proc. No. 3269, Jan. 5, 1959, 24 F.R. 81, 73 Stat. c16, pursuant to the Act of July 7, 1958, Pub. L. 85-508, 72 Stat. 339.
Do....	387-----	6-----	37	514	48	74	Obsolete. Provided for convening and length of sessions of the Legislature of the former Territory of Alaska. See note for § 4 of the act.
Do....	387-----	7-----	37	514	48	75	Obsolete. Provided for election and pay of officers of the former Territory of Alaska. See note for § 4 of the act.
Do....	387-----	18-----	37	517	-----	-----	Obsolete. Established a commission to examine the question of transportation, particularly railroads, in the former Territory of Alaska and to report by Dec. 1, 1912, or as soon thereafter as practicable. Made obsolete by the establishment of The Alaska Railroad.
Do....	388-----	1 (1st proviso on p. 519).	37	519	-----	-----	Superseded. Authorized employment of seven superintendents of irrigation. See note for Act of May 31, 1900, ch. 598, § 1 (proviso), 31 Stat. 239.
Do....	388-----	1 (2d proviso on p. 521).	37	521	25	22	Authorized Board of Indian Commissioners to employ and pay a secretary. See note for R.S. § 2039.
Do....	390-----	5 (last par.)-----	37	563	48	1320	Superseded. Provided for the determination and adjustment of claims arising out of personal injuries to employees engaged in the construction, maintenance, and operation of the Panama Canal or Panama Railroad. Superseded by the Act of Sept. 7, 1916, ch. 458, 39 Stat. 742.
1913 Feb. 28	86-----	1 (par. under "Clerks at Embassies and Legations").	37	689	-----	-----	Superseded. Required that clerks at embassies and legations be citizens of the United States. See note for Act of June 16, 1906, ch. 3337 (par. under "Clerks at Embassies and Legations"), 34 Stat. 288.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Vol- ume	Page	Title	Section	
1913 Mar. 4	141-----	8-----	37	738	5	619	Superseded. Provided that the Secretary of Labor shall have power to act as mediator and to appoint commissioners of conciliation in labor disputes; transferred all powers residing in executive departments, etc., to Secretary of Labor. Superseded by Act of June 23, 1947, ch. 120, title II, § 202, 61 Stat. 153.
Do-----	142-----	1 (2d sentence in 4th full par. on p. 750).	37	750	5	649	Obsolete. Provided that the Civil Service Commission shall investigate and report to the President as to the administrative needs relating to personnel in the executive branch. Function was transferred to the Bureau of Efficiency by Act of Feb. 28, 1916, ch. 37, § 1, 39 Stat. 15. Bureau of Efficiency was abolished by Act of Mar. 3, 1933, ch. 212, title IV, § 17, 47 Stat. 1519, all records and property were transferred to Bureau of Budget.
Do-----	145-----	(penultimate par. on p. 843).	37	843	16	558	Superseded. Provided for leave of absence to employees in the Forest Service stationed permanently in Alaska. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679.
Do-----	145-----	(5th full par. on p. 854).	37	854	-----	-----	Superseded. Provided that the rate of pay for employees of the Department of Agriculture set by this appropriation act should remain unchanged. Superseded by the Acts of July 31, 1956, ch. 804, title I, 70 Stat. 736, and Oct. 28, 1949, ch. 782, title I, 63 Stat. 954, and Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 400.
Do-----	147-----	28-----	37	888	40	252	Obsolete. Related to the appointment of technical experts in the Office of the Supervising Architect of the Treasury Department, to be made without regard to civil service laws. The Office was transferred to the Public Building Branch of the Procurement Division of the Treasury Department by E.O. 6166, § 1, June 10, 1933. The Branch was transferred

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
							to the Federal Works Agency by 1939 Reorg. Plan No. I, § 301, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426. The FWA was abolished and its functions transferred to the Administrator of General Services by Act of June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380.
1918 Mar. 4	150-----	8 (2d par. of Par. 97).	37	996	-----	-----	Superseded. Provided that no commissioner in the Public Utilities Commission could have a financial interest in a public utility; and required oath of office. Superseded by the Act of Dec. 15, 1926, ch. 8, § 1, 44 Stat. 920.
Do-----	150-----	9 (1st par. of Par. 2).	37	997	-----	-----	Superseded. Provided for the appointment of three persons to constitute a liquor excise board for the District of Columbia; and for their terms of office and pay. Superseded by the Act of Jan. 24, 1934, ch. 4, § 4, 48 Stat. 321.
Do-----	150-----	9 (Par. 3)-----	37	998	-----	-----	Superseded. Related to appointment and pay of a clerk and an inspector for the liquor excise board; and for duties of inspector and pay of both appointees. Superseded by the Act of Jan. 24, 1934, ch. 4, 48 Stat. 321.
Do-----	159-----	-----	37	1013	-----	-----	Obsolete. Amended R.S. § 4414 by creating a board of local inspectors, Steamboat-Inspection Service, for the port of Los Angeles, Calif., 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097, abolished the Steamboat-Inspection Service.
June 23	3-----	1 (2d par. under "Antietam Battlefield").	38	31	-----	-----	Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
June 30	4-----	1 (4th proviso on p. 78).	38	78	-----	-----	Superseded. Authorized employment of seven superintendents of irrigation. See note for Act of May 31, 1900, ch. 598, § 1 (proviso), 31 Stat. 239.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1913 Sept. 4	10		38	110			Superseded. Authorized the President to appoint an Ambassador to Spain, and set rate of pay. Superseded by the Act of Aug. 13, 1946, ch. 957, 60 Stat. 999.
Oct. 3	16	II-N	38	180, 181			Superseded. Provided for the appointment and pay of one additional deputy commissioner of Internal Revenue; also provided that the Commissioner shall appoint all employees in the Bureau of Internal Revenue in Washington, D.C., except the clerical force, and set their pay. Superseded by the Internal Revenue Code of 1954, 68A Stat. 915, and the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
Oct. 22	32	1 (proviso under "Civil Service Commission").	38	208	5	639	Superseded. Provided for bond and removal of certain deputy collectors of internal revenue and deputy marshals. See note for section 639 of Title 5, U.S.C.
Do	32	1 (so much of 1st par. under "Department of Justice" as fixed the pay of the Assistant to the Attorney General).	38	218	5	294	Superseded. Fixed the pay of the Assistant to the Attorney General. The title of "the Assistant to the Attorney General" was changed to "Deputy Attorney General" by 1950 Reorg. Plan No. 2, § 3, 64 Stat. 1261, and the pay of the position is now fixed by § 303(c) of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 416.
1914 Apr. 6	52	1 (4th par. on p. 318).	38	318	5	74	Superseded. Related to subsistence expenses of officers and employees while traveling on duty. Superseded by Act of June 9, 1949, ch. 185, 63 Stat. 166.
Do	52	1 (last par.)	38	330			Superseded. Authorized employment of an attorney in the Canal Zone and prescribed his duties and pay. Superseded by the Act of July 25, 1958, Pub. L. 85-550, §§ 3 and 5, 72 Stat. 406, 407.
Do	52	5	38	335	5	55	Superseded. See note for § 55 of Title 5, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1914 May 16	91-----	-----	38	378	-----	-----	Superseded. Authorized the President to appoint an Ambassador to Argentina; and fixed pay of appointee. Superseded by the Act of Aug. 13, 1946, ch. 957, 60 Stat. 999.
Do-----	92-----	-----	38	378	-----	-----	Superseded. Authorized the President to appoint an Ambassador to the Republic of Chile; and fixed pay of the appointee. Superseded by the Act of Aug. 13, 1946, ch. 957, 60 Stat. 999.
June 30	131-----	(4th full par. on p. 441).	38	441	-----	-----	Superseded. Provided for a maximum salary for any scientific investigator, or other employee engaged in scientific work paid from Department of Agriculture general appropriation. Superseded by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
Do-----	131-----	(6th full par. on p. 441).	38	441	5	535	Superseded. Provided for leave of absence to employees of the Department of Agriculture assigned to permanent duty station in Alaska, Hawaii, Puerto Rico, and Guam. Superseded by the Act of Oct. 30, 1951, ch. 631, 65 Stat. 679.
Do-----	132-----	(par. under "Clerks at Embassies and Legations").	38	444	-----	-----	Superseded. Required that clerks at embassies and legations be citizens of the United States. See note for Act of June 16, 1906, ch. 3337 (par. under "Clerks at Embassies and Legations"), 34 Stat. 288.
July 16	141-----	1 (5th par. under "Civil Service Commission").	38	465	-----	-----	Superseded. Established a system of efficiency ratings and required the CSC to investigate and report on administrative needs of the service relating personnel in the executive branch; and place a maximum salary limitation for persons employed under this appropriation. Superseded as to efficiency ratings by the Act of Sept. 30, 1950, ch. 1123, 64 Stat. 1098, and as to pay limitations by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1914 July 16	141-----	1 (words between 1st and 2d semicolons under "Department of Justice").	38	497	5	293	Superseded. Provided a salary of \$10,000 for the Solicitor General. Pay is now fixed by § 303(c) of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 416.
Do....	141-----	1 (1st proviso on p. 497).	38	497	5	297	Superseded. Redesignated the "Assistant Attorney General" as "Solicitor for the Department of Interior" in the Department of Justice. The Solicitor for the Department of Interior is no longer an officer of the Department of Justice. Superseded by the Act of June 26, 1946, ch. 494, 60 Stat. 312.
Do....	141-----	1 (par. beginning "Commercial attachés").	38	500	-----	-----	Superseded. Provided for appointment and duties of commercial attaches. Superseded by the Act of Mar. 3, 1927, ch. 365, 44 Stat. 1394. Similar provisions were contained in the Acts of Mar. 4, 1915, ch. 141, 38 Stat. 1041; May 10, 1916, ch. 117, 39 Stat. 111; Mar. 3, 1917, ch. 163, 39 Stat. 1113; July 3, 1918, ch. 130, 40 Stat. 804; Mar. 1, 1919, ch. 86, 40 Stat. 1256; May 29, 1920, ch. 214, 41 Stat. 679; June 16, 1922, ch. 23, 42 Stat. 64; Mar. 28, 1922, ch. 117, 42 Stat. 472; Jan. 5, 1923, ch. 24, 42 Stat. 1112; May 28, 1924, ch. 204, 43 Stat. 225; Feb. 27, 1925, ch. 364, 43 Stat. 1034; Apr. 29, 1926, ch. 195, 44 Stat. 350; and Feb. 24, 1927, ch. 189, 44 Stat. 1200.
Do....	141-----	6-----	38	509	5	293	Superseded. Provided that the salary rates in the Legislative, Executive, and Judicial Appropriation Act for the fiscal year ending June 30, 1915, shall be the rate of salary or compensation until otherwise fixed by annual rate or appropriation or other law. Superseded by ch. 53 of this codification and the laws cited thereunder.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1914 July 21	191-----	1 (proviso on p. 519).	38	519	-----	-----	Superseded. Provided that the inspector of asphalts and cements for the District of Columbia shall not perform any work of a character required of him as a government employee for any other person, corporation, etc., except the District of Columbia. Superseded by the Act of Sept. 1, 1916, ch. 433, § 1, 39 Stat. 679.
Do-----	191-----	1 (2d par. under "Public Schools").	38	532	-----	-----	Superseded. Provided for the basic salary and step increases of the director of primary instruction for the District of Columbia public school system. Superseded by the Act of Aug. 5, 1955, ch. 569, 69 Stat. 521, as amended.
Do-----	191-----	1 (7th par. under "Public Schools").	38	532	-----	-----	Superseded. Provided for pay of certain officers of the schools of the District of Columbia. Superseded by the Act of Aug. 5, 1955, ch. 569, 69 Stat. 521.
Aug. 1	222-----	1 (2d proviso on p. 583).	38	583	-----	-----	Superseded. Authorized employment of seven superintendents of irrigation. See note for Act of May 31, 1900, ch. 598, § 1 (proviso), 31 Stat. 239.
Do-----	223-----	1 (2d par. on p. 631).	38	631	-----	-----	Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
Do-----	223-----	1 (last par. on p. 658).	38	658	33	750	Superseded. Provided for leave of absence for employees of the Lighthouse Service. Superseded by the Act of Oct. 30, 1951, ch. 631, 65 Stat. 679.
Do-----	223-----	1 (provisos on p. 666).	38	666	-----	-----	Obsolete and superseded. First proviso provided for appointment and official status of the commissioner of immigration at New Orleans; second proviso reduced his pay. First proviso made obsolete by 1940 Reorg. Plan No. 5, 5 F.R. 2423, 54 Stat. 1238, which transferred the duties of the position to the Attorney General with power to delegate them to

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1914 Aug. 1	223	13	38	680	5	75	any employee. Second proviso was superseded by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954, which is carried into this revision. Superseded. Provided for a per diem rate of allowance in lieu of subsistence to employees engaged in field work or traveling on official business outside the District of Columbia. Superseded by the Act of June 9, 1949, ch. 185, 63 Stat. 166.
Dec. 28	3		38	790			Obsolete. Increased the pay of the collector of customs for the customs collection district of Omaha. Superseded by the Act of Oct. 28 1949, ch. 782, 63 Stat. 954, which is carried into this revision.
1915 Feb. 5	23	1	38	805			Superseded. Provided that all appointments of secretaries in Diplomatic Service and of consuls and consuls general shall be by commission to grades and not to posts; also that such officers may be assigned to duty with Department of State without loss of grade; also that their promotions should be subject to Senate approval. Superseded by the Act of Aug. 13, 1946, ch. 957, 60 Stat. 999.
Do.	23	2	38	805			Superseded. Established the grades of secretaries in the Diplomatic Service, consuls general and consuls, and fixed salaries therefor. Superseded by the Act of Aug. 13, 1946, ch. 957, 60 Stat. 999.
Do.	23	8	38	807			Executed. Repealed law inconsistent with the Act of which it was a part.
Mar. 3	75	1 (8th par. on p. 843).	38	843			Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1915 Mar. 4	141-----	1 (last par. beginning on p. 1007).	38	1007	5	647	Obsolete. Provided for the appointment of the chief of the Division of Efficiency, his reports to Congress, and pay limitation on persons employed in the Division. The Bureau of Efficiency was abolished by the Act of Mar. 3, 1933, ch. 212, title IV, § 17, 47 Stat. 1519.
Do-----	141-----	1 (par. beginning "Commercial attachés").	38	1041	-----	-----	Superseded. Provided for appointment and duties of commercial attachés. See note for Act of July 16, 1914, ch. 141. § 1 (par. beginning "Commercial attachés"), 38 Stat. 500.
Do-----	141-----	6-----	38	1049	31 5	268 42a, 295	Superseded. Authorized continuance of positions appropriated for in the Act of which it is a part, to the extent of funds available in subsequent appropriation acts. Superseded by sections 3101-3109 of this revision and the laws cited thereunder.
Do-----	145-----	(par. under "Clerks at Embassies and Legations").	38	1117	-----	-----	Superseded. Required that clerks at embassies and legations be citizens of the United States. See note for Act of June 16, 1906, ch. 3337 (par. under "Clerks at Embassies and Legations"), 34 Stat. 288.
1916 Feb. 28	37-----	1 (par. under "Bureau of Efficiency").	39	15	5	646	Obsolete. Provided that the Division of Efficiency shall be an independent establishment known as the Bureau of Efficiency and transferred all duties imposed on the CSC relating to efficiency ratings to the Bureau. The Bureau of Efficiency was abolished by Act of Mar. 3, 1933, ch. 212, title IV, § 17, 47 Stat. 1519.
Apr. 27	89-----	2-----	39	54	-----	-----	Executed. Provided the effective date for the Act of which it is a part, which is carried into this revision.
May 10	117-----	1 (2d par. on p. 104).	39	104	-----	-----	Obsolete. Authorized the Secretary of the Interior to detail temporarily clerks from the office of one surveyor general to another and to pay necessary travel expenses. The office of surveyor general was abolished by Act of Mar. 3, 1925, ch. 462, 43 Stat. 1144.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1916 May 10	117-----	1 (par. beginning "Commercial attachés").	39	111	-----	-----	Superseded. Provided for appointment and duties of commercial attachés. See note for Act of July 16, 1914, ch. 141, § 1 (par. beginning "Commercial attachés"), 38 Stat. 500.
May 18	125-----	1 (3d proviso on p. 124).	39	124	-----	-----	Superseded. Authorized employment of seven superintendents of irrigation and a field cost accountant. See note for Act of May 31, 1909, ch. 598, § 1 (proviso), 31 Stat. 239.
June 15	147-----	3-----	39	227	-----	-----	Obsolete. Authorized the President to appoint a register and receiver for the Imperial land district. See note for R.S. § 2234.
July 1	208-----	(par. under "Clerks at Embassies and Legations").	39	253	-----	-----	Superseded. Required that clerks at embassies and legations be citizens of the United States. See note for Act of June 16, 1906, ch. 3337 (par. under "Clerks at Embassies and Legations"), 34 Stat. 288.
Do----	209-----	1 (2d par. under "Antietam Battlefield").	39	287	-----	-----	Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1906, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
July 17	245-----	28 (3d par.)-----	39	381	12	953	Superseded. Provided that the salaries of land bank examiners shall be fixed by the Federal Farm Loan Board. Superseded by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
Aug. 29	416-----	20-----	39	552	2	45	Obsolete. Authorized appointment of Resident Commissioners from the Philippines, and prescribed their pay and allowances. Made obsolete by the proclamation of Philippine independence, Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.
Do----	418-----	1 (2d proviso on p. 624).	39	624	5	34	Obsolete and superseded. Provided for the restoration to duty of employees who, as members of the National Guard and the Medical Reserve Corps of the Army, are called into service by the President. Obsolete as to the

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1916 Sept. 1	433-----	1 (1st 7 provisos under "Public Schools").	39	693, 694			Medical Reserve Corps as it ceased to exist on June 3, 1917, (J. A. G. 230, 233, July 16, 1940). Remainder superseded by the Acts of Aug. 10, 1956, ch. 1041, § 29, 70A Stat. 632, and June 24, 1948, ch. 625, title I, § 9, 62 Stat. 614.
Do-----	433-----	1 (par. beginning "Longevity Pay").	39	694			Superseded. Provided the salary of certain members of the school system of the District of Columbia. Superseded by Act of Aug. 5, 1955, ch. 569, 69 Stat. 521.
Sept. 7	458-----	34-----	39	749			Superseded. Provided for longevity pay for certain members of the D.C. public school system. Superseded by Act of Aug. 5, 1955, ch. 569, 69 Stat. 521.
Sept. 8	463-----	700-----	39	795	19	91	Obsolete. Provided authorization for appropriations for United States Employees' Compensation Commission for fiscal year ending June 30, 1917.
Do-----	463-----	701-----	39	795	19	92	Superseded. Created the U.S. Tariff Commission; provided for appointment of commissioners, their terms, and conflicts of interest. Superseded by the Act of June 17, 1930, ch. 497, title III, § 330, 46 Stat. 696.
Do-----	463-----	705-----	39	796	19	99	Superseded. Provided for the salaries of commissioners of the U.S. Tariff Commission; authorized the commissioners to fix salaries; provided for the application of the civil service laws; expenses, office equipment, and places of meetings. Superseded by the Act of June 17, 1930, ch. 497, title III, § 331, 46 Stat. 697.
							Executed. Transferred the Cost of Production Division in the Bureau of Foreign and Domestic Commerce in the Department of Commerce and its employees to the U.S. Tariff Commission. The Division was transferred when the Tariff Commission was organized in 1916.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1916 Sept. 8	463-----	707-----	39	797	19	101	Superseded. Provided for cooperation between the U.S. Tariff Commission and other agencies of the Government. Superseded by the Act of June 17, 1930, ch. 497, title III, § 334, 46 Stat. 700.
Do....	463-----	708-----	39	798	19	105	Superseded. Provided penalties for members of the U.S. Tariff Commission who divulge information without authority. Superseded by the Act of June 25, 1948, ch. 645, § 1, 62 Stat. 791.
1917 Feb. 23	114-----	6-----	39	932	20	17	Obsolete. Created a Federal Board for Vocational Education; provided for appointments, salary, powers, and duties. The Board was abolished by 1946 Reorg. Plan No. 2, § 8, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1096.
Mar. 2	146-----	1 (4th proviso on p. 969).	39	969	-----	-----	Superseded. Authorized employment of seven superintendents of irrigation and a field-cost accountant. See note for Act of May 31, 1900, ch. 598, § 1 (proviso), 31 Stat. 239.
Do....	152-----	4-----	39	997	16	430i	Obsolete. Created the Guilford Courthouse National Military Park Commission; provided for appointments, terms, pay, and allowances. Commission was abolished by the Act of Oct. 9, 1942, ch. 583, 56 Stat. 778, eff. Oct. 14, 1941.
Mar. 3	160-----	1 (2d par. on p. 1012).	39	1012	-----	-----	Superseded. Fixed the pay of employees in the office of the Recorder of Deeds in the District of Columbia. Superseded by the Act of June 9, 1952, ch. 373, § 3, 66 Stat. 129.
Do....	160-----	1 (1st 4 provisos under "Public Schools").	39	1021, 1022	-----	-----	Superseded. Provided the salary of certain members of the school system of the District of Columbia. Superseded by Act of Aug. 5, 1955, ch. 569, 69 Stat. 521.
Do....	160-----	1 (par. beginning "Longevity Pay").	39	1022	-----	-----	Superseded. Provided for longevity pay for certain members of the D.C. public school system. Superseded by Act of Aug. 5, 1955, ch. 569, 69 Stat. 521.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1917 Mar. 3	161-----	(par. under "Clerks at Embassies and Legations").	39	1048	-----	-----	Superseded. Required that clerks at embassies and legations be citizens of the United States. See note for Act of June 16, 1906, ch. 3337 (par. under "Clerks at Embassies and Legations"), 34 Stat. 288.
Do-----	163-----	1 (2d full par. on p. 1081).	39	1081	5	650	Obsolete. Required employees of other agencies of the Government to furnish agents of the Bureau of Efficiency all information that the Bureau may require. The Bureau was abolished by Act of Mar. 3, 1933, ch. 212, title IV, § 17, 47 Stat. 1519.
Do-----	163-----	1 (words between 1st and 2d semicolons under "Department of Justice").	39	1110	5	293	Superseded. Provided for the pay of the Solicitor General of the Department of Justice. Pay is now fixed by § 303(c) of Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 416.
Do-----	163-----	1 (par. beginning "Commercial attachés").	39	1113	-----	-----	Superseded. Provided for appointment and duties of commercial attachés. See note for Act of July 16, 1914, ch. 141, § 1 (par. beginning "Commercial attachés"), 38 Stat. 500.
Do-----	163-----	5-----	39	1121	5	42	Obsolete. Restricted the detailing of persons in the classified service at Washington for service outside the District of Columbia except under certain circumstances; and excepted the Department of Justice from this prohibition. Limited in force to fiscal year 1918.
Do-----	163-----	8-----	39	1122	-----	-----	Executed. Required the Bureau of Efficiency to report to Congress in 1918 on duplication existing in the executive branch, and authorized the President to abolish the same.
Do-----	171-----	1-----	39	1132	48	1391	Superseded. Provided for the appointment and pay of the Governor of the Virgin Islands and other employees. Superseded by the Act of July 22, 1954, ch. 558, 68 Stat. 497.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1917 May 18	15	4	40	78			Obsolete. Provided immunity from the 1918 draft for certain employees of the Government; provided for the creation of local draft boards, appointments of members, and the filling of vacancies. Section was made obsolete by the proclamation of peace, Oct. 21, 1921, 42 Stat. 1939, pursuant to Act of June 15, 1917, ch. 29, § 4, 40 Stat. 217.
Do.	15	6	40	80			Obsolete. Authorized the President to use any Federal employee to execute the Selective Draft Act of 1917 and all employees designated are required to perform any duty assigned; provided penalties for failure to comply with this section. See note for § 4 of the act.
June 12	27	1 (2d par. under "Antietam Battlefield")	40	130			Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
Aug. 9	50	3	40	271			Superseded. Repealed the law fixing pay of the Secretary of the Interstate Commerce Commission. Superseded by the Act of Feb. 28, 1920, ch. 91, § 440, 41 Stat. 497.
Aug. 10	52	5	40	274			Expired. Authorized the President to appoint two additional Assistant Secretaries of Agriculture and fixed their pay. Expired pursuant to § 12 of the Act, 40 Stat. 276, upon issuance of the proclamation of peace, Oct. 21, 1921, 42 Stat. 1939.
Do.	52	8 (last proviso)	40	275			Expired. Provided that employment under the act should not exempt the employee from military service. See note for § 5 of the act.
Do.	53	20	40	283			Obsolete. Provided that employees appointed under the act would not be exempt from military service under the Selective Draft Act of 1917. The Selective Draft Act of 1917 is obsolete; see note for the act, May 18, 1917, ch. 15, § 4, 40 Stat. 78.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1917 Oct. 6	79-----	1 (4th par. on p. 346).	40	346	-----	-----	Superseded. Required that clerks at embassies and legations be citizens of the United States. See note for Act of June 16, 1906, ch. 3337 (par. under "Clerks at Embassies and Legations"), 34 Stat. 288.
Do-----	79-----	1 (3d par. on p. 347).	40	347	5	246	Expired. Authorized appointment and pay for two additional Assistant Secretaries of the Treasury, to continue to the close of World War I and 6 months thereafter. The war was proclaimed at an end July 2, 1921, by proclamation of Oct. 21, 1921, 42 Stat. 1939.
Do-----	79-----	1 (1st proviso on p. 364).	40	364	5	209	Superseded. Provided that the Auditor for the War Department shall settle claims for damages to and loss of private property due to the operations of the Army and that such settlement shall be full satisfaction. Superseded by § 2672 et seq. of Title 28, U.S.C.
Do-----	79-----	6-----	40	383	5	670	Superseded. Provided that the restrictions on transfer of employees from one executive department to another also apply on transfers from an executive department to an independent establishment and vice versa. Superseded by the Act of Mar. 4, 1923, ch. 265, § 10, 42 Stat. 1491, which regulated the transfer and promotion of employees. The Act of Mar. 4, 1923, was superseded and repealed by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954, which is carried into this revision.
Do-----	79-----	7-----	40	383	5	670	Superseded. Prohibited increased pay under a lump-sum appropriation for employees transferred in 1 year; also no increase in 1 year if employed in another department. Superseded by the Act of Mar. 4, 1923, ch. 265, § 10, 42 Stat. 1491, which regulated the transfer and promotion of employees. The Act of Mar. 4, 1923, was

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1918 Mar. 21	25-----	3-----	40	454			superseded and repealed by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954, which is carried into this revision.
Mar. 27	27-----		40	459			Obsolete. Provided for claims for compensation for Federal use of railroads in World War I; established boards to adjudicate the same, and provided a legal remedy. Federal control was terminated not later than 1 year and 9 months after July 2, 1921, the end of World War I as proclaimed by the President Oct. 31, 1921, 42 Stat. 1939, pursuant to § 14 of the act, 40 Stat. 458, and claims are now barred by § 2401 of Title 28, U.S.C.
Mar. 28	28-----	2-----	40	498	5	670	Superseded. Provided that all branches of the government of the District of Columbia shall be considered governmental establishments for the purposes of prohibiting increases in pay under lump-sum appropriations when employee has transferred within 1 year. Superseded by the Act of Mar. 4, 1923, ch. 265, § 10, 42 Stat. 1419, which regulated transfers and promotions of employees. The Act of Mar. 4, 1923, was superseded and repealed by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954, which is carried into this revision.
Apr. 5	45-----	1, 2, 5-19-----	40	506-512	15	331-347	Obsolete. Created the War Finance Corporation, provided for its powers, duties, reports, etc. War Finance Corporation was abolished and Secretary of Treasury was directed to complete and wind up its affairs and dispose of its assets in accordance with Act of Mar. 1, 1929,

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1918 Apr. 5	45-----	200-206-----	40	512-514			ch. 444, 45 Stat. 1442, not later than Dec. 31, 1939. In a letter addressed to the Speaker of the House of Representatives and dated Oct. 26, 1942, the Acting Secretary of the Treasury transmitted the final report of the affairs of the War Finance Corporation covering the period of its existence from Apr. 5, 1918 through June 30, 1939.
Do-----	45-----	300, 302-306-----	40	514, 515	15	361-365	Expired. Created the Capital Issues Committee, provided for the appointment, pay, etc., of its members, authorized appointment and pay of employees without regard to civil service laws, and provided for its functions, duties, appropriations, and termination. Expired by its own terms six months after the termination of World War I, July 2, 1921, as proclaimed Oct. 21, 1921, 42 Stat. 1939.
Apr. 15	52-----	(par. under "Clerks at Embassies and Legations").	40	520			Obsolete. Contained miscellaneous provisions for the War Finance Corporation Act. See preceding notes for Act of Apr. 5, 1918, ch. 45, 40 Stat. 506-512, 512-514.
Do-----	52-----	(last proviso on p. 523).	40	523	31	535	Superseded. Required that clerks at embassies and legations be citizens of the United States. See note for Act of June 16, 1906, ch. 3337 (par. under "Clerks at Embassies and Legations"), 34 Stat. 288.
May 20	78-----		40	556			Superseded. Provided for the travel expenses of the Commissioner of the International Boundary Commission, United States, Alaska, and Canada. Superseded by the Act of June 9, 1949, ch. 185, 63 Stat. 166.
							Executed. Authorized the President to coordinate or consolidate executive bureaus, agencies, and offices in the interest of economy and the more efficient concentration of the Government during World War I and for 6 months thereafter, at which time the powers conferred ended. The war ended July 2, 1921, as proclaimed Oct. 21, 1921, 42 Stat. 1939.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1918 June 26	105-----		40	616	45	24	Superseded. Provided for the pay of chief inspector, assistant inspectors, and district inspectors of locomotives. Superseded by the Acts of May 27, 1947, ch. 85, § 1, 61 Stat. 120, and Oct. 28, 1949, ch. 782, 63 Stat. 954.
July 1	113-----	1 (proviso on p. 652).	40	652			Superseded. Provided that the disbursing clerk of Treasury Department shall act in a similar capacity for the U.S. Tariff Commission. Superseded by E.O. 6166, § 4, June 10, 1933.
Do-----	113-----	1 (2d par. under "Antietam Battlefield").	40	656			Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
July 2	115-----		40	739	46	371, 373, 382	Obsolete. Amended R.S. §§ 4402, 4404, and 4414, relating to the Steamboat-Inspection Service, to provide for the appointment of a supervising inspector general, pay of employees, appointment of supervising inspectors, eligibility of employees and travel expenses. R.S. § 4402 was repealed by the Act of Aug. 4, 1949, ch. 383, § 20, 63 Stat. 561; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097, abolished the positions, offices, boards, and bureaus to which this act related.
July 3	130-----	1 (2d par. on p. 799).	40	799			Obsolete. Authorized the Secretary of the Interior to detail temporarily clerks from the office of one surveyor general to another; report of traveling expenses incurred was required to be submitted to Congress. See note for Act of May 10, 1916, ch. 117 (2d par. on p. 104), 39 Stat. 104.
Do-----	130-----	1 (par. beginning "Commercial attachés").	40	804			Superseded. Provided for appointment, duties, and allowances of commercial attachés and for appointment and pay of their clerks. See note for Act of July 16, 1914, ch. 141, § 1 (par. beginning "Commercial attachés"), 38 Stat. 500.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1918							
July 12	150		40	899			Executed. Abolished the "Foundation for the Promotion for Industrial Peace" established with a gift from Theodore Roosevelt.
July 18	155	9	40	912	33	582	Superseded. Provided for a per diem allowance for travel expenses away from designated posts of duty for duty performed on behalf of the Engineer Department of the War Department. Superseded by the Act of June 9, 1949, ch. 185, 63 Stat. 166.
Do	156		40	912	15	208a-212	Obsolete. Created the Commission for the Standardization of Screw Threads and provided for the composition of the Commission, its duties, and pay. E.O. 6166, § 13, June 10, 1933, abolished the Commission.
Aug. 31	164	1 (1st 5 provisos under "Public Schools").	40	932			Superseded. Provided for the salary of certain members of the school system of the District of Columbia. Superseded by the Act of Aug. 5, 1955, ch. 569, 69 Stat. 521.
Do	164	1 (par. beginning "Longevity Pay").	40	933			Superseded. Provided longevity pay for certain members of the school system of the District of Columbia. Superseded by the Act of Aug. 5, 1955, ch. 569, 69 Stat. 521.
Do	166	5	40	956	5	36	Superseded. Provided that the wife of a soldier or sailor serving in World War I shall not be disqualified for any position in the Government because she is a married woman. Superseded by the Act of July 26, 1937, ch. 522, 50 Stat. 533.
Oct. 5	181	7	40	1011			Obsolete. Authorized the President to create agencies, and designate and fix the pay of employees to carry out the act. Expired pursuant to § 10 of the act not later than 2 years after the proclamation of peace of Oct. 21, 1921, 42 Stat. 1379.
Do	181	8	40	1011			Obsolete. Prohibited certain conflicts of interest in transactions under this act. See note for § 7 of the act.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1918 Oct. 5	181-----	11-----	40	1012	-----	-----	Obsolete. Provided that employment under this act does not exempt persons from the draft. See note for § 7 of the act.
1919 Jan. 7	4-----	-----	40	1052	-----	-----	Obsolete. Authorized transportation from the District of Columbia to the legal residence of employees whose services are no longer needed; provided for method of application, penalty for misuse, accommodations, refunds, etc. Applied only to employees terminated before Feb. 20, 1919.
Feb. 24	18-----	1302-----	40	1141	-----	-----	Superseded. Provided for 30 days' leave of absence for internal revenue agents and inspectors. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679.
Mar. 1	86-----	1 (last sentence under "Civil Service Commission").	40	1224	5	645	Obsolete. Provided that the period of time spent in the service during World War I by persons with civil service status should not be counted against them in determination of their eligibility for appointment under the laws, rules, and regulations of the Civil Service Commission in effect on Mar. 1, 1919. See note for § 645 of title 5, U.S.C.
Do-----	86-----	1 (penultimate par. on p. 1251).	40	1251	-----	-----	Obsolete. Authorized the Secretary of the Interior to detail temporarily clerks from the office of one surveyor general to another and to pay necessary travel expenses; also required reports to Congress. See note for Act of May 10, 1916, ch. 117 (2d par. on p. 104), 39 Stat. 104.
Do-----	86-----	1 (par. beginning "Commercial attachés").	40	1256	-----	-----	Superseded. Provided for appointment and duties of commercial attachés and for appointment and pay of their clerks. See note for Act of July 16, 1914, ch. 141, § 1 (par. beginning "Commercial attachés"), 38 Stat. 500.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1919 Mar. 1	86-----	1 (proviso on p. 1262).	40	1262	5	605	Obsolete. Authorized the Secretary of Commerce to contract for lease, not to exceed 5 years, of the Commerce Building. Since the removal of the Department of Commerce on Jan. 1, 1932, to the Commerce Building, which is federally owned, this proviso has been omitted from appropriation acts.
Do-----	86-----	4-----	40	1266	-----	-----	Obsolete. Authorized transportation from the District of Columbia to their legal residence of employees whose services are no longer needed; provided method of application for misuse, travel accommodations, refunds, etc. Applied only to employees terminated before Mar. 31, 1919.
Do-----	86-----	6-----	40	1267	-----	-----	Obsolete. Prohibited the detail of persons in the classified service in the District of Columbia to serve outside the District except under certain conditions; also contained an exception for the Department of Justice. Temporary legislation limited in application to fiscal year ending June 30, 1920.
Do-----	86-----	9-----	40	1269	-----	-----	Obsolete. Created a Joint Commission on Reclassification of Salaries; authorized the appointment of employees, rates of pay, and prohibited dual compensation; provided for duties of Commission, reports required, its authority, and appropriations allowed. Final report was due January 1920.
Do-----	86-----	10-----	40	1269	40	1, 47	Obsolete. Created the Public Buildings Commission; authorized the appointment of expert clerical or other services, provided for the filling of vacancies, and provided for the Commission's powers. The Commission was abolished by E.O. 6166, § 2, June 10, 1933.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1919 Mar. 3	96		40	1291	15	208a-212	Obsolete. Amended the act providing for the Commission for the Standardization of Screw Threads; provided for appointments and duties. The Commission was abolished by E.O. 6166, § 13, June 10, 1933.
Do.	100	9, 10	40	1313, 1314	15	343	Obsolete. Amended Title I of the War Finance Corporation Act. See note for Act of Apr. 5, 1918, ch. 45, §§ 1-19, 40 Stat. 506-512.
Do.	101	2	40	1315			Superseded. Provided against certain conflicts of interest relating to Federal Reserve banks. Superseded by the Act of June 3, 1922, ch. 205, 42 Stat. 620.
Mar. 4	123	(par. under "Clerks at Embassies and Legations").	40	1327			Superseded. Required that clerks at embassies and legations be citizens of the United States. See note for Act of June 16, 1906, ch. 3337 (par. under "Clerks at Embassies and Legations"), 34 Stat. 288.
Do.	123	(2d proviso on p. 1334).	40	1334			Obsolete. Amended R.S. § 1704, which provided for appointment and pay of consular clerks, by assigning new salary rates. R.S. § 1704 was repealed by Act of Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1428.
July 11	6	1 (par. under "Bureau of Efficiency").	41	36	5	651	Obsolete. Transferred papers, records, etc., relating to investigation of duplication of statistical and other work and to statistical work of the Central Bureau of Planning and Statistics to the Bureau of Efficiency. Bureau of Efficiency was abolished by the Act of Mar. 3, 1933, ch. 212, title IV, § 17, 47 Stat. 1519.
Do.	7	1 (1st 10 provisos under "Public Schools").	41	80, 81			Superseded. Provided for the pay of certain members of the District of Columbia school system. Superseded by the Act of Aug. 5, 1955, ch. 569, 69 Stat. 521.
Do.	7	1 (par. beginning "Longevity Pay").	41	81			Superseded. Provided for longevity pay for certain members of the District of Columbia school system. Superseded by the Act of Aug. 5, 1955, ch. 569, 69 Stat. 521.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1919 July 11	7-----	5-----	41	102			Superseded. Authorized per diem employees and day laborers of the District of Columbia leave of absence with pay on such legal holidays as are established for regular annual employees of the District. Superseded by the Act of June 5, 1920, ch. 234, § 7, 41 Stat. 873.
July 19	24-----	1 (2d par. under "Antietam Battlefield").	41	184			Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
Do....	24-----	1 (proviso on p. 205).	41	205	24	167	Superseded. Authorized the Secretary of the Interior to adjust the pay of officers and employees at St. Elizabeths Hospital. Superseded by the Act of Oct. 23, 1949, ch. 782, 63 Stat. 954.
July 24	26-----	(2d proviso on p. 262).	41	262	5	536	Superseded. Provided that the employees of the Department of Agriculture assigned to the Virgin Islands shall be entitled to the same leave of absence as allowed employees assigned to Alaska, Hawaii, etc.; and provided for leave accumulation. Superseded by the Act of Oct. 30, 1951, ch. 631, 65 Stat. 679.
Nov. 4	93-----	1 (1st par. under "United States Penitentiaries").	41	338	5	678b	Superseded. See note for section 678b of Title 5, U.S.C.
Dec. 24	17-----	(1st proviso)---	41	377	5	795	Obsolete. Related to workmen's compensation paid by the U.S. Shipping Board Merchant Fleet Corporation and provided that such payments shall be in full satisfaction of the claim. The Corporation was dissolved by the Act of June 29, 1936, ch. 858, title II, § 203, 49 Stat. 1987.
1920 Feb. 25	85-----	38-----	41	451	30	194	Obsolete. Authorized Secretary of the Interior to fix fees and commissions of registers and receivers of land offices. See note for R.S. § 2222.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1920 Mar. 23	106-----	-----	41	536	-----	-----	Obsolete. Extended the terms of the National Screw Thread Commission to 1922. The Commission was abolished by E.O. 6166, § 13, June 10, 1933.
May 22	195-----	-----	41	614	5	691-693, 697-715	Superseded. Established Civil Service Retirement System. Superseded by the Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
May 29	214-----	1 (3d full par. on p. 655).	41	655	-----	-----	Obsolete. Provided that employees in the classified civil service in the subtreasuries discontinued pursuant to this act shall be eligible for transfer to classified civil service positions under the Treasury Department or to other positions and shall be given preference over new appointees under the control of the Treasury Department.
Do-----	214-----	1 (par. beginning "Commercial attachés").	41	679	-----	-----	Superseded. Provided for appointment and duties of commercial attachés and appointment and pay of their clerks. See note for Act of July 16, 1914, ch. 141, § 1 (par. beginning "Commercial attachés"), 38 Stat. 500.
May 31	217-----	(proviso on p. 714).	41	714	5	556	Obsolete. Authorized the Secretary of Agriculture to sell kelp produced by the Summerland, Calif., kelp plant. The kelp plant was sold under authority of the Act of Mar. 3, 1921, ch. 127, 41 Stat. 1333.
June 2	219-----	6-----	41	737	29	32	Obsolete. Authorized an appropriation to finance the operation of the Federal Board for Vocational Education; also provided for certain salary restrictions. The Federal Board for Vocational Education and its functions were abolished by 1946 Reorg. Plan No. 2, § 8, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1096.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1920 June 4	223-----	1 (par. under "Clerks at Embassies and Legations").	41	740	-----	-----	Superseded. Required that clerks at embassies and legations be citizens of the United States, and so far as practicable, appointed under the civil service rules. See note for Act of June 16, 1906, ch. 3337 (par. under "Clerks at Embassies and Legations"), 34 Stat. 288.
Do	223-----	1 (2d sentence under "Allowance for Clerk Hire at United States Consulates").	41	749	-----	-----	Superseded. Required that clerks at consulates, so far as practicable, be appointed under the civil service rules. Superseded by the Act of Aug. 13, 1946, ch. 957, 60 Stat. 999. Similar provisions were contained in the Acts of Mar. 2, 1921, ch. 113, 41 Stat. 1215; June 1, 1922, ch. 204, 42 Stat. 602; Jan. 3, 1923, ch. 21, 42 Stat. 1071; May 28, 1924, ch. 204, 43 Stat. 208; Feb. 27, 1925, ch. 364, 43 Stat. 1017; Apr. 29, 1926, ch. 195, 44 Stat. 333; and Feb. 24, 1927, ch. 189, 44 Stat. 1182. The portions of the Act of Feb. 27, 1925, and subsequent acts cited were classified to § 56 of Title 22, U.S.C., and repealed by the Act of Aug. 13, 1946, ch. 957 title XI, part D, § 1131 (51), 60 Stat. 1039.
June 5	234-----	1 (1st 10 provisos under "Public Schools").	41	850, 851	-----	-----	Superseded. Provided pay rates for certain members of the District of Columbia public school system. Superseded by the Act of Aug. 5, 1955, ch. 569, 69 Stat. 521.
Do	234-----	1 (par. beginning "Longevity Pay").	41	851	-----	-----	Superseded. Provided for longevity pay for certain members of the District of Columbia public school system and also provided that no longevity pay shall accrue to any person having an unsatisfactory efficiency rating. Superseded by the Act of Aug. 5, 1955, ch. 569, 69 Stat. 521.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1920 June 5	235-----	1 (1st proviso on p. 886).	41	886	-----	-----	Superseded. Prohibited any person from being employed under the appropriation for the expenses of the Retirement Act of 1920 at a salary in excess of \$1,740 per year with certain exceptions. Superseded by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
Do---	235-----	1 (2d proviso on p. 886).	41	886	50	6	Executed and superseded. Prohibited payment of a salary in excess of \$6,000 to any employee of the Council of National Defense during fiscal year 1921. Superseded by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
Do---	235-----	1 (2d par. under "Antietam Battlefield").	41	895	-----	-----	Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
Do---	248-----	4-----	41	987	29	15	Superseded. Authorized the employment by the Woman's Bureau of the Department of Labor such employees at such rates of compensation as Congress may provide by appropriation. Superseded by R.S. § 169, as amended by the Act of June 26, 1930, ch. 618, 46 Stat. 817, which is carried into this revision.
Do---	264-----	2-----	41	1059	33	711	Obsolete. Provided for the salary of the Superintendent of Naval Construction in the Bureau of Lighthouses. The Bureau of Lighthouses and its functions were transferred to the Coast Guard by 1939 Reorg. Plan No. 2, § 2, eff. July 1, 1939, 53 Stat. 1432, 4 F.R. 2731. Its personnel were authorized to be appointed in the Coast Guard by Act of Aug. 5, 1939, ch. 477, 53 Stat. 1216.
1921 Jan. 4	9-----	-----	41	1084	15	373	Obsolete. Provided for reviving the activities of the War Finance Corporation. See note for Act of Apr. 5, 1918, ch. 45, §§ 1-19, 40 Stat. 506-512.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1921 Feb. 2	70-----	1 (1st 10 provisos under "Public School").	41	1120-1122			Superseded. Provided for the pay of certain members of the District of Columbia public school system. Superseded by the Act of Aug. 5, 1955, ch. 569, 69 Stat. 521.
Do-----	70-----	1 (par. beginning "Longevity Pay").	41	1122			Superseded. Provided for longevity pay for certain members of the District of Columbia public school system and also provided that no longevity pay shall accrue to any person having an unsatisfactory efficiency rating. Superseded by the Act of Aug. 5, 1955, ch. 569, 69 Stat. 521.
Do-----	70-----	1 (penultimate par. on p. 1125).	41	1125			Superseded. Provided for installment payments of certain D.C. teachers. Superseded by the Act of July 1, 1943, ch. 184, § 1, 57 Stat. 322.
Mar. 2	113-----	1 (par. under "Clerks at Embassies and Legations").	41	1206			Superseded. Required that clerks at embassies and legations be citizens of the United States and, so far as practicable, appointed under the civil service rules. See note for Act of June 16, 1906, ch. 3337 (par. under "Clerks at Embassies and Legations"), 34 Stat. 288.
Do-----	113-----	1 (last sentence on p. 1215).	41	1215			Superseded. Required that clerks at consulates, so far as practicable, be appointed under the civil service rules. See note for Act of June 4, 1920, ch. 223, § 1 (2d sentence under "Allowance for Clerk Hire at United States Consulates"), 41 Stat. 749.
Mar. 3	124-----	1 (par. beginning "Commercial attaches").	41	1298			Superseded. Provided for appointment and duties of commercial attachés and appointment and pay of their clerks. See note for Act of July 16, 1914, ch. 141, § 1 (par. beginning "Commercial attachés"), 38 Stat. 500.
Do-----	124-----	5-----	41	1308	5	42	Obsolete. Prohibited the detail of persons in the classified service in the District of Columbia outside the District of Columbia except in certain circumstances, and also provided an exception for the Department of Justice. Temporary legislation limited in effect to the fiscal year 1921, and now obsolete.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Vol- ume	Page	Title	Section	
1921 Mar. 3	127-----	(proviso on p. 1333).	41	1333	5	556a	Executed. Authorized the Secretary of Agriculture to sell the kelp plant situated at Summerland, Calif. The plant has been sold.
Mar. 4	161-----	1 (2d par. under "Antietam Battlefield").	41	1386	-----	-----	Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
June 10	18-----	310-----	42	25	-----	-----	Executed. Abolished the offices of six auditors under the Comptroller of the Treasury and provided that certain remaining officers and employees and certain property be transferred to the General Accounting Office.
Do....	18-----	314-----	42	26	31	55	Superseded. Directed the Civil Service Commission to establish an eligible register for accountants for the General Accounting Office. Superseded by the Act of May 24, 1946, ch. 270, § 13, 60 Stat. 219, which provided that general legislation enacted governing the employment, pay, and status of employees of the United States shall apply to employees of the General Accounting Office.
Do....	18-----	316-----	42	27	-----	-----	Executed. Provided that the General Accounting Office and the Bureau of Accounts shall not be considered as having been created since Jan. 1, 1916, so as to deprive their employees of a pay raise which was effective for the fiscal year 1921.
Do....	18-----	317-----	42	27	-----	-----	Executed. Suspended the provisions of law which prohibited transfers in the executive branch until 3 years of service had passed in cases involving transfers to the General Accounting Office during fiscal 1922.
June 16	23-----	4 (par. beginning "Commercial attachés").	42	64	-----	-----	Superseded. Provided for pay of clerks, for commercial attachés and for details of commercial attachés for fiscal 1922. See note for Act of July 16, 1914, ch. 141, § 1 (par. beginning "Commercial attachés"), 38 Stat. 500.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1921 Aug. 19	72-----	1 (the 88 words immediately preceding the proviso).	42	172			Obsolete. Provided for the appointment, pay, and duties of a Federal representative to the Colorado River compact negotiations.
Aug. 24	80-----		42	181	15	331,340, 341,343, 348-352, 364	Obsolete. Amended the War Finance Corporation Act. See note for Act of Apr. 5, 1918, ch. 45, §§ 1-19, 40 Stat. 506-512.
Do----	86-----	6-----	42	188			Obsolete. Required any boards of trade desiring to be designated a contract market to apply to the Secretary of Agriculture and make a showing of compliance with the act of which this section is a part; established a commission to pass upon compliance, with authority to revoke or suspend designation, and with power to subpoena; and provided for judicial review. The act of which this section is a part was held unconstitutional, <i>Hill v. Wallace</i> , 259 U.S. 44.
Do----	86-----	13-----	42	191			Obsolete. Authorized the Secretary of Agriculture to appoint, remove, and fix the pay of officers and employees to enforce the act; and provided for appropriations. See note for § 6 of the act.
Do----	89-----	1 (3d proviso)---	42	192			Obsolete. Limited number of persons employed by the United States Shipping Board Emergency Fleet Corporation receiving in excess of \$11,000 per year to six. See note for Act of June 12, 1922, ch. 218 (2d full par. on p. 648), 42 Stat. 648.
Oct. 28	114-----		42	208	43	70, 73	Obsolete. Authorized the President to consolidate the offices of register and receiver in any land district and to appoint a register for the office; provided for pay of register and prohibited commissions from exceeding \$3,000 per year; and authorized temporary filling of vacancies. See note for R.S. § 2234.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1922 Feb. 9	47-----		42	363	31	805-809	Expired. Created the World War Foreign Debt Commission; provided for appointment of its members; and for their duties. The Commission expired Feb. 9, 1927, pursuant to § 4 of the act as amended by the Act of Jan. 21, 1925, ch. 86, 43 Stat. 763.
Feb. 14	51-----		42	364	5	724, 727, 728	Superseded. Amended Civil Service Retirement Act to require agencies to keep certain records and make certain reports for retirement purposes; and require a certificate of deductions to accompany applications for the return of deductions. Superseded by the Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
Mar. 21	113-----		42	469			Obsolete. Extended the term of the National Screw Thread Commission for a period of five years from Mar. 21, 1922. See note for Act of Mar. 3, 1919, ch. 96, 40 Stat. 1291.
Mar. 27	116-----	(1st par.)-----	42	470	5	694	Obsolete. Provided that in the administration of the Civil Service Retirement Act approved May 22, 1920, the expression "all employees in the classified civil service of the United States", as used in section 1 thereof shall be construed to include all persons who have been heretofore or who may hereafter be given a competitive status in the classified civil service. The Act of Jan. 24, 1942, ch. 16, 56 Stat. 13, 15, amended sections 1 and 3 of the Retirement Act and deleted any reference to "employees in the classified civil service" and authorized the President to make exclusions from the Act.
Mar. 28	117-----	(par. beginning "Commercial attachés").	42	472			Obsolete. Provided for the appointment of commercial attachés and their examination, duties, and assistants; and provided that not to exceed two attachés may be recalled and assigned to Department of Commerce with-

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1922 May 24	199-----	(6th full par. on p. 553).	42	553	5	496	out loss of pay. See note for Act of July 16, 1914, ch. 141, § 1 (par. beginning "Commercial attachés"), 38 Stat. 500. Superseded. Authorized the Department of the Interior to make minor purchases on the open market not to exceed \$50. Superseded by the Act of Aug. 2, 1946, ch. 744, § 9, 60 Stat. 809, as amended.
Do----	199-----	(words between last 2 semicolons in last par. on p. 555).	42	555	43	10	Obsolete. Authorized the depository acting for the Commissioner of the General Land Office as receiver of public moneys to designate a clerk to act in his absence. See note for R.S. § 446.
Do----	199-----	(last par. beginning on p. 556).	42	556	-----	-----	Obsolete. Authorized the Secretary of the Interior to detail temporarily clerks from one surveyor general to another and required a statement of traveling expenses incurred. See note for R.S. § 2222.
May 26	202-----	1 (1st sentence in "Sec. 2(a)").	42	596	21	172	Obsolete. Established the Federal Narcotics Control Board. Board was abolished by the Act of June 14, 1930, ch. 488, § 3, 46 Stat. 586.
June 1	204-----	(par. under "Clerks at Embassies and Legations").	42	601	-----	-----	Superseded. Required that clerks at embassies and legations be citizens of the United States, and, so far as practicable, appointed under the civil service rules. See note for Act of June 16, 1906, ch. 3337 (par. under "Clerks at Embassies and Legations"), 34 Stat. 288.
Do----	204-----	(2d sentence under "Allowance for Clerk Hire at United States Consulates").	42	602	-----	-----	Superseded. Required that clerks at consulates, so far as practicable, be appointed under the civil service rules. See note for Act of June 4, 1920, ch. 223, § 1 (2d sentence under "Allowance for Clerk Hire at United States Consulates"), 41 Stat. 749.
June 10	215-----	-----	42	634	15	340, 343	Obsolete. Amended the War Finance Corporation Act. See note for Act of Apr. 5, 1918, ch. 45, §§ 1-19, 40 Stat. 506-512.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1922 June 12	218-----	(1st proviso under "Civil Service Commission").	42	637	5	635	Obsolete. Provided that the secretary of the Civil Service Commission shall be deemed an employee for the purposes of the act. The position of secretary was abolished by 1949 Reorg. Plan No. 5, eff. Aug. 20, 1949, 14 F.R. 5227, 63 Stat. 1067.
Do-----	218-----	(2d full par. on p. 648).	42	648	46	807	Obsolete. Limited salaries of officers and employees of the U.S. Shipping Board and the U.S. Shipping Board Emergency Fleet Corporation. The U.S. Shipping Board was abolished by § 12 of E.O. 6166, June 10, 1933. The name of the U.S. Shipping Board Emergency Fleet Corporation was changed to U.S. Shipping Board Merchant Fleet Corporation by Act of Feb. 11, 1927, ch. 104, 44 Stat. 1083, and it was dissolved Oct. 26, 1936, pursuant to the Act of June 29, 1936, ch. 858, title II, § 203, 49 Stat. 1987.
June 17	222-----	-----	42	651	-----	-----	Superseded. Amended the 1920 Civil Service Retirement Act regarding charwomen, laborers, and other employees drawing less than \$600 a year. Superseded by the Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
June 29	249-----	1 (1st 11 provisos under "Teachers").	42	684, 685	-----	-----	Superseded. Provided for the pay of certain members of the District of Columbia public school system. Superseded by the Act of Aug. 5, 1955, ch. 569, 69 Stat. 521.
Do-----	249-----	1 (9th full par. on p. 688).	42	688	-----	-----	Superseded. Provided for installment payments of certain D.C. teachers. Superseded by the Act of July 1, 1943, ch. 184, § 1, 57 Stat. 322.
Do-----	250-----	3-----	42	713	-----	-----	Obsolete. Provided that the restriction on double pay contained in § 6 of the Legislative, Executive, and Judicial Appropriation Act approved May 10, 1916, as amended, should not prevent receipt of temporary addi-

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Vol- ume	Page	Title	Section	
1922 June 29	250.....	4.....	42	714			tional pay provided by the act during the fiscal year ending June 30, 1923. Obsolete. Provided that the pay raise granted for certain employees during the fiscal year ending June 30, 1923, should apply to piece-work employees but not to per diem employees.
Do.....	250.....	5.....	42	714			Obsolete. Provided that the secretary of the Civil Service Commission should be deemed an employee for the purposes of the act. See note for Act of June 12, 1922, ch. 218 (1st proviso under "Civil Service Commission"), 42 Stat. 637.
June 30	253.....	(last par. on p. 756).	42	756			Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
Do.....	255.....		42	766			Obsolete. Authorized the President to consolidate the offices of register and receiver in certain land districts. See note for R.S. § 2234.
July 1	258.....	1 (2d proviso on p. 769).	42	769			Obsolete. Authorized appointments of employees for the Colorado River Commission without regard to the civil service laws. See note for the Act of Aug. 19, 1921, ch. 72, § 1, 42 Stat. 172.
Sept. 22	428.....		42	1047	5	733-736, 737, 738	Superseded. Amended 1920 Civil Service Retirement Act to provide for deferred annuity and for reemployment of persons entitled to deferred annuity. Superseded by the Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
1923 Jan. 3	21.....	(par. under "Clerks at Embassies and Legations").	42	1070			Superseded. Required that clerks at embassies and legations be citizens of the United States, and so far as practicable, appointed under the civil service rules. See note for Act of June 16, 1906, ch. 3337 (par. under "Clerks at Embassies and Legations"), 34 Stat. 288.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1923 Jan. 3	21	(2d sentence under "Allowance for Clerk Hire at United States Consulates").	42	1071			Superseded. Required that clerks at consulates, so far as practicable, be appointed under the civil service rules. See note for Act of June 4, 1920, ch. 223, § 1 (2d sentence under "Allowance for Clerk Hire at United States Consulates"), 41 Stat. 749.
Jan. 5	24	(words between 8th and 9th semicolons of 1st par.).	42	1110	5	593	Expired. See note for § 593 of Title 5, U.S.C.
Do.	24	(par. beginning "Commercial attachés").	42	1112			Superseded. Provided for appointment, duties, and assignments of commercial attachés and for pay of their clerks. See note for Act of July 16, 1914, ch. 141, § 1 (par. beginning "Commercial attachés"), 38 Stat. 500.
Jan. 22	29	1 (1st par. under "Department of State").	42	1160			Executed and superseded. Provided for the pay of the Ambassador of Cuba; also provided that R.S. § 1223 shall not apply in filling the then existing vacancy at Havana, Cuba; also provided that certain salary restrictions shall not apply in filling the then existing vacancy at Havana; aggregate pay of any Ambassador to Cuba restricted. Superseded by the Act of Aug. 13, 1946, ch. 957, 60 Stat. 999, as amended (Foreign Service Act of 1946). Provisos 1 and 2 are executed.
Jan. 24	42	(2d par. on p. 1176).	42	1176	5	496	Superseded. Permits Department of the Interior to purchase supplies and equipment on the open market when the aggregate amount does not exceed \$50. Superseded by the Act of Aug. 2, 1946, ch. 744, § 9(a), 60 Stat. 809, amending R.S. § 3709, as amended.
Do.	42	(words between last 2 semicolons in 1st par. under "General Land Office").	42	1177	43	10	Obsolete. Authorized the depository for the Commissioner of the General Land Office as receiver of public moneys to designate a clerk to act in his absence. See note for R.S. § 446.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1923							
Jan. 24	42-----	(last full par. on p. 1178).	42	1178			Obsolete. Authorized the Secretary of the Interior to detail temporarily clerks from one surveyor general to another and to pay actual traveling expenses incurred. See note for R.S. § 2222.
Feb. 13	72-----	(1st proviso on p. 1241).	42	1241	5	117	Obsolete. Provided that all expenditures of the U.S. Geographic Board shall be paid on vouchers and signed by its Secretary who shall act as its disbursing agent without bond. The Board was abolished and its functions, etc., transferred to the Department of the Interior by E.O. 6680, Apr. 17, 1934.
Feb. 28	146-----		42	1325	31	805, 806	Expired. Amended act establishing World War Foreign Debt Commission to alter terms of settlement of debt of United Kingdom and to reorganize World War Foreign Debt Commission. See note for Act of Feb. 29, 1922, ch. 47, 42 Stat. 363.
Do-----	148-----	1 (1st 11 provisos under "Teachers").	42	1342, 1343			Superseded. Provided for the pay of certain members of the District of Columbia public school system. Superseded by the Act of Aug. 5, 1955, ch. 569, 69 Stat. 521.
Do-----	148-----	1 (1st par. on p. 1344).	42	1344			Superseded. Provided longevity pay for certain members of the District of Columbia public school system. Superseded by the Act of Aug. 5, 1955, ch. 569, 69 Stat. 521.
Do-----	148-----	1 (last par. beginning on p. 1346).	42	1346			Superseded. Provided for installment payments of certain D.C. teachers. Superseded by the Act of July 1, 1943, ch. 184, § 1, 57 Stat. 322.
Mar. 2	174-----		42	1374			Superseded. Fixed the annual pay of the collector of customs for the district of North Carolina. Superseded by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
Do-----	178-----	(last full par. on p. 1417).	42	1417			Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1923 Mar. 3	235		42	1444			Executed. Allowed holiday pay for certain per diem employees who were excused from work on Nov. 11, 1921.
Mar. 4	251	7	42	1454	19	51	Superseded. Provided that, except for laborers, pay of customs officers and employees fixed under this Act shall not be more than 30 percent in excess of the limitations of existing law. Superseded by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
Do.	252	209(b)(4th sentence).	42	1467	12	9a	Superseded. Authorized the Comptroller of the Currency to fix in advance the pay of certain of his employees. Superseded by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
Do.	252	301	42	1473	12	652	Obsolete. Amended the Farm Loan Act of 1916; increased Federal Farm Loan Board to seven members; provided for qualifications for appointment, tenure, pay, and travel expenses. E.O. 6084, Mar. 27, 1933, abolished the offices of the appointed members, except the Farm Loan Commissioner, and terminated the membership of the Secretary of the Treasury on the Board. Title of the Farm Loan Commissioner was changed to Land Bank Commissioner by Act of June 16, 1933, ch. 98, title VIII, § 80(a), 48 Stat. 273, and the position was abolished by Act of Aug. 6, 1953, ch. 335, § 7(a), 67 Stat. 393.
Do.	252	501-503	42	1480, 1481	15	340, 343	Obsolete. Amended the War Finance Corporation Act. See note for Act of Apr. 5, 1918, ch. 45, §§ 1-19, 40 Stat. 506-512.
Do.	273		42	1503	5	302	Superseded. Amended R.S. § 370 to provide that whenever any officer in the Department of Justice is sent to any State, district, or Territory, the person sent shall receive travel expenses, not to exceed \$6 a day. Superseded by the Act of June 9, 1949, ch. 185, 63 Stat. 166.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1923 Mar. 4	286		42	1516			Executed. Preserved the status of persons awarded compensation by the Compensation Commission until Mar. 1, 1924.
Do.	292	1 (proviso on p. 1532).	42	1532			Superseded. Provided for the pay of the assistant principal at Eastern High School in the District of Columbia. Superseded by the Act of Aug. 5, 1955, ch. 569, 69 Stat. 521.
Do.	293	3	42	1558			Obsolete. Provided that the restriction on double pay contained in § 6 of the Legislative, Executive, and Judicial Appropriation Act approved May 10, 1916, as amended, should not prevent receipt of temporary additional pay provided by the act during the fiscal year ending June 30, 1924.
Do.	293	5	42	1558			Obsolete. Provided that the secretary of the Civil Service Commission is deemed to be an employee for the purposes of a pay raise given civilian employees during the fiscal year ending June 30, 1924. See note for Act of June 12, 1922, ch. 218 (1st proviso under "Civil Service Commission"), 42 Stat. 637.
1924 Feb. 20	37		43	14	15	343, 371, 372	Obsolete. Amended the War Finance Corporation Act. See note for Act of Apr. 5, 1918, ch. 45, §§ 1-19, 40 Stat. 506-512.
Apr. 19	129		43	104	46	382	Obsolete. Amended R.S. § 4414 to abolish certain Steamboat Inspection districts, and provide a new rate of pay for local inspectors in the Steamboat Inspection Service. See note for R.S. § 4414.
May 24	182	7	43	141	22	8	Executed. Provided for re-commissioning diplomatic and consular officers by classes, without examination, on July 1, 1924.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1924 May 24	182-----	8-----	43	142	22	10	Superseded. Provided for pay retention of incumbent consuls in the Department of State; abolished the grade of consular assistant and made incumbents unclassified Foreign Service officers. Superseded by the Act of Aug. 13, 1946, ch. 957, 60 Stat. 999.
May 28	202-----	7-----	43	179			Superseded. Provided for the pay of the secretary-treasurer of the District Board of Optometry and for the pay of the members of the Board. Superseded as to the secretary-treasurer by 1952 Reorg. Plan No. 5, § 4, 66 Stat. 826. Superseded as to the members by Act of July 14, 1956, ch. 590, § 1, 70 Stat. 532.
Do-----	204-----	(par. under "Clerks at Embassies and Legations").	43	206			Superseded. Required that clerks at embassies and legations be citizens of the United States and, so far as practicable, appointed under the civil service rules. See note for Act of June 16, 1906, ch. 3337 (par. under "Clerks at Embassies and Legations"), 34 Stat. 238.
Do-----	204-----	(2d sentence under "Allowance for Clerk Hire at United States Consulates").	43	208			Superseded. Required that clerks at consulates, so far as practicable, be appointed under the civil service rules. See note for Act of June 4, 1920, ch. 223, § 1 (2d sentence under "Allowance for Clerk Hire at United States Consulates"), 41 Stat. 749.
Do-----	204-----	(words between 3d and 4th commas of 1st par. under "Department of Commerce").	43	224	5	593	Expired. See note for § 593 of Title 5, U.S.C.
Do-----	204-----	(par. beginning "Commercial attachés").	43	225			Superseded. Provided for appointment, duties, and assignments of commercial attachés, and for pay of their clerks. See note for Act of July 16, 1914, ch. 141, § 1 (par. beginning "Commercial attachés"), 38 Stat. 500.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1924 June 2	234-----	1102-----	43	353	5	251	Superseded. Specified the pay of the Government Actuary while the position was held by the incumbent of June 2, 1924. Superseded by the Act of Feb. 26, 1926, ch. 27, § 1206, 44 Stat. 129.
June 5	264-----	(4th full par. on p. 392).	43	392	5	496	Superseded. Authorized the purchase of supplies, equipment, and services for the Department of the Interior in the open market if the cost does not exceed \$100. Superseded by the Act of Aug. 2, 1946, ch. 744, § 9, 60 Stat. 809, amending R.S. § 3709.
Do-----	264-----	(3d full par. on p. 394).	43	394	-----	-----	Obsolete. Authorized the Secretary of the Interior to detail temporarily clerks from one surveyor-general to another; required report of travel expenses. See note for R.S. § 2222.
June 7	291-----	(last full par. on p. 511).	43	511	-----	-----	Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
Do-----	292-----	1 (2d par. on p. 531).	43	531	46	807	Obsolete. Limited salaries of employees of the U.S. Shipping Board and the U.S. Shipping Board Emergency Fleet Corporation. See note for Act of June 12, 1922, ch. 218 (2d full par. on p. 648), 42 Stat. 648.
Do-----	302-----	1 (1st 8 provisos under "Teachers").	43	554, 555	-----	-----	Superseded. Provided for the pay of certain members of the District of Columbia public school system. Superseded by the Act of Aug. 5, 1955 ch. 569, 69 Stat. 521.
Do-----	302-----	1 (penultimate par. on p. 557).	43	557	-----	-----	Superseded. Provided for installment payments of certain D.C. teachers. Superseded by Act of July 1, 1943 ch. 184, § 1, 57 Stat. 322.
Do-----	302-----	1 (2d and 3d provisos on p. 562).	43	562	-----	-----	Superseded. Authorized the Commissioners of the District of Columbia to accept volunteer services in connection with the treatment of certain diseases; prohibited payment for volunteer services. Superseded by 1952 Reorg. Plan No. 5, § 4, 66 Stat. 826.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1924 June 7	302-----	1 (provisos on p. 563).	43	563	-----	-----	Superseded. Authorized the Commissioners of the District of Columbia to accept volunteer services in connection with pure food and drug enforcement; prohibited payment for such services. Superseded by 1952 Reorg. Plan No. 5, § 4, 66 Stat. 826.
Do....	315-----	3-----	43	599	-----	-----	Superseded. Provided for the organization of the Board of Dental Examiners for the District of Columbia and its authority, sessions, and purposes. Superseded by the Act of July 2, 1940, ch. 513, § 2, 54 Stat. 716.
Do....	355-----	6-----	43	659	45	24	Superseded. Relates to the pay of certain inspectors of locomotives; also relates to office allowances for each inspector. Superseded as to pay by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954; superseded as to office allowances by Act of May 27, 1947, ch. 85, § 1, 61 Stat. 120.
Do....	377-----	-----	43	669	5	56	Obsolete. Provided that certain restrictions on the pay of recess appointees should not apply to original members of the Board of Tax Appeals if the appointment is made before Dec. 1, 1924. No original members are presently on the Board.
Dec. 13	9-----	12-----	43	714	-----	-----	Superseded. Provided for the pay of the members of the District of Columbia Board of Examiners and Registrars of Architects. Superseded by the Act of July 14, 1956, ch. 590, § 1, 70 Stat. 532.
1925 Jan. 14	77-----	-----	43	748	5	695, 696	Executed. Directed the Secretary of the Treasury to pay persons temporarily employed by the Department of the Treasury who, prior to the date of the act, reached the age of retirement, or who had retired, or, if dead, their beneficiaries.
Jan. 17	84-----	-----	43	752	-----	-----	Superseded. Increased the pay of battalion fire chiefs in the District of Columbia Fire Department. Superseded by the Act of Aug. 5, 1955, ch. 570, § 3, 69 Stat. 531.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Vol- ume	Page	Title	Section	
1926 Jan. 22	87-----	(provisos under "Office of the Secretary").	43	764	5	675	Expired. Provided that during fiscal year 1926 the average of salaries for employees in the competitive service in the District of Columbia shall not exceed the average rate for the grade provided in the Classification Act of 1923, with certain exceptions. Applied to fiscal year 1926 only.
Do.---	87-----	(2d par. under "Office of the Secretary").	43	764	5	676	Executed. Provided that for fiscal year 1926 civilian positions in the field service shall be paid at rates not in excess of those permitted during fiscal year 1925. Limited to fiscal year 1926.
Jan. 31	124-----	3-----	43	803	5	17	Superseded. Provided that employees of the Department of Agriculture who have subscribed to the oath of office need not renew the oath upon a change of status unless the Secretary of Agriculture requires it. Superseded by Act of Aug. 14, 1937, ch. 624, 50 Stat. 640.
Feb. 9	167-----	-----	43	819	19	19	Obsolete. Provided for the appointment and pay of an appraiser of merchandise in the Customs Service at Baltimore. The position was abolished by Act of July 5, 1932, ch. 340, title I, § 1, 47 Stat. 584.
Feb. 10	200-----	(provisos under "Office of the Secretary").	43	822	5	675	Executed. Provided that during fiscal year 1926 the average of salaries for employees in the competitive service in the District of Columbia shall not exceed the average rate for the grade provided in the Classification Act of 1923, with certain exceptions. Applied to fiscal year 1926 only.
Feb. 11	209-----	(provisos on p. 861).	43	861	5	675	Executed. Provided that during the fiscal year 1926 the average of salaries for employees in the competitive service in the District of Columbia shall not exceed the average rate for the grade provided in the Classification Act of 1923, with certain exceptions. Applied to fiscal year 1926 only.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1925 Feb. 12	225-----	(provisos on p. 892).	43	892	5	675	Executed. Provided that during the fiscal year 1926 the average of salaries for employees in the competitive service in the District of Columbia shall not exceed the average rate for the grade provided in the Classification Act of 1923, with certain exceptions. Applied to fiscal year 1926 only.
Do----	225-----	(last full par. on p. 926).	43	926	24	277	Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
Feb. 21	278-----	1-----	43	957	19	20	Obsolete. Provided for the appointment and pay of an appraiser of merchandise in the Customs Service at Portland, Oreg. The position was abolished by Act of July 5, 1932, ch. 430, title I, § 1, 47 Stat. 584.
Do----	278-----	2-----	43	957	-----	-----	Executed. Repealed R.S. § 2587 in part. R.S. § 2587 was later repealed by Act of Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1430.
Feb. 27	364-----	(provisos on p. 1014).	43	1014	5	675	Executed. Provided that during fiscal year 1926 the average of salaries for employees in the competitive service in the District of Columbia shall not exceed the average rate for the grade provided in the Classification Act of 1923, with certain exceptions. Applied to fiscal year 1926 only.
Do----	364-----	(words between 1st and 2d semicolons under "Department of Justice").	43	1025	5	293	Superseded. Fixed the pay of the Solicitor General of Department of Justice. Pay is now fixed by § 303(c) of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 416.
Do----	364-----	(words between 2d and 3d semicolons under "Department of Justice").	43	1025	5	294	Superseded. Fixed pay of Assistant to Attorney General in Department of Justice. The title of "The Assistant to the Attorney General" was changed to "Deputy Attorney General" by 1950 Reorg. Plan No. 2, § 3, 64 Stat. 1261, and the pay of the position is now fixed by

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1925 Feb. 27	364-----	(1st 46 words of 4th full par. on p. 1026).	43	1026	5	296	§ 303(c) of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 416. Obsolete. Provided for pay of Assistant Attorney General in charge of customs cases in Department of Justice and for pay of special attorneys to aid in conducting customs cases. The office of Assistant Attorney General in charge of customs cases was abolished by 1953 Reorg. Plan No. 4, § 2, eff. June 20, 1953, 18 F.R. 3577, 67 Stat. 121.
Do-----	364-----	(parenthetical expression in last par. on p. 1029).	43	1029	-----	-----	Superseded. Provided that certain foreign counsel employed by the Attorney General need not take the oath required by R.S. § 366. Superseded by Act of Apr. 17, 1930, ch. 174, § 1, 46 Stat. 170.
Do-----	364-----	(words between 3d and 4th commas of 1st par. under "Department of Commerce").	43	1033	5	593	Expired. See note for § 593 of Title 5, U.S.C.
Do-----	364-----	(par. beginning "Commercial attachés").	43	1034	-----	-----	Superseded. Provided for appointment, duties, and assignments of commercial attachés, and for pay of their clerks. See note for Act of July 16, 1914, ch. 141, § 1 (par. beginning "Commercial attachés"), 38 Stat. 500.
Mar. 3	462-----	(provisos on p. 1141).	43	1141	5	675	Executed. Provided that during fiscal year 1926 the average salaries for employees in the competitive service in the District of Columbia shall not exceed the average rate for the grade as provided in the Classification Act of 1923, with certain exceptions. Applied to fiscal year 1926 only.
Do-----	462-----	(1st full par. on p. 1143).	43	1143	5	496	Superseded. Authorized purchase of supplies, equipment, and services for the Department of the Interior in the open market when the cost did not exceed \$100. Superseded by Act of Aug. 2, 1946, ch. 744, § 9, 60 Stat. 809, amending R.S. § 3709.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1925 Mar. 3	462-----	(4th proviso on p. 1145).	43	1145	43	71	Obsolete. Provided for consolidation of the offices of register and receiver, effective July 1, 1925, in accordance with the Act of Oct. 28, 1921, 42 Stat. 208. The offices of register and receiver were consolidated; and the office of register was abolished by 1946 Reorg. Plan No. 3, § 403(d), eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.
Do....	462-----	(1st par. under "Territory of Alaska").	43	1181	48	62	Obsolete. Fixed salary of the Governor of the Territory of Alaska. See note for Act of Mar. 4, 1931, ch. 516, 46 Stat. 1530.
Do....	468-----	2-----	43	1212	5	675	Executed. Provided that during fiscal year 1926 the average of salaries for employees in the competitive service in the District of Columbia shall not exceed the average rate for the grade as provided in the Classification Act of 1923, with certain exceptions. Applied to fiscal year ending June 30, 1926, only.
Do....	477-----	1 (4th full par. on p. 1233).	43	1233	-----	-----	Superseded. Provided for installment payments of certain D.C. teachers. Superseded by Act of July 1, 1943, ch. 184, § 1, 67 Stat. 322.
Mar. 4	549-----	3-----	43	1301	5	675	Executed. Provided that during fiscal year 1926 the average of salaries for employees in the competitive service in the District of Columbia shall not exceed the average rate for the grade as provided in the Classification Act of 1923, with certain exceptions. Applied to fiscal year ending June 30, 1926, only.
Do....	561-----	5-----	43	1356	5	792	Superseded. Authorized the President to transfer the administration of the Injury Compensation Act of 1916 as regards employees of the Alaska Railroad to the successor of the Alaskan Engineering Commission; also designated the appropriations to be used for payments of compensation. Superseded by Act of Apr. 6, 1938, ch. 79, 52 Stat. 200.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1926 Feb. 26	27-----	1201-----	44	126	5	297	Executed and superseded. Abolished the office of Solicitor of Internal Revenue in Department of Justice. Created the offices of General Counsel for Bureaus of Internal Revenue; four Assistant General Counsels, Assistant to Commissioner (abolished old office of Assistant), and one Special Deputy Commissioner; also related to pay and duties of the new officers. Executed as to the abolishing of the office of Solicitor in Department of Justice; superseded as to the remainder by the Act of Feb. 10, 1929, ch. 2, §§ 1, 4, 53 Stat. 1.
Do-----	27-----	1202-----	44	127	-----	-----	Superseded. Authorized Internal Revenue agents and inspectors 30 days sick leave per year under such regulations as the Commissioner of Internal Revenue may prescribe. Superseded by the Act of Oct. 30, 1951, ch. 631, title II, § 202, 65 Stat. 679.
Do-----	27-----	1206-----	44	129	5	251	Obsolete. Provided that the salary of the Government Actuary, so long as position is held by incumbent, shall be \$10,000 per year. The then incumbent no longer holds the position.
Mar. 16	58-----	1-----	44	208	-----	-----	Executed. Abolished the District of Columbia Board of Charities, the Children's Guardians, and the Board of Trustees of the National Training School for Girls upon the appointment of the Board of Public Welfare. Board of Public Welfare was appointed July 1, 1926.
Do-----	58-----	5-----	44	209	-----	-----	Superseded. Authorized the District of Columbia Commissioners to appoint a Director of Public Welfare and other employees; provided for removal and pay. Superseded by 1952 Reorg. Plan No. 5, § 4, 66 Stat. 826.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1926 Mar. 18	61		44	212			Executed. Authorized Secretary of Interior to employ not more than three experienced consulting engineers on plans and specifications of Coolidge Dam, at a rate not to exceed \$50 per day, necessary traveling expenses, and per diem of not more than \$4—\$3,500 maximum per engineer. The project has been completed.
Apr. 15	146	(1st full par. on p. 288).	44	288	24	277	Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
Apr. 16	148		44	297	15	208a-212	Obsolete. Amended the act establishing the Commission for the Standardization of Screw Threads to provide for the appointment, duties, and pay of the Commission. See note for Act of Mar. 3, 1919, ch. 96, 40 Stat. 1291.
Apr. 29	195	(words between 3d and 4th commas of 1st par. under "Department of Commerce").	44	349	5	593	Expired. See note for § 593 of Title 5, U.S.C.
Do.	195	(par. beginning "Commercial attachés").	44	350			Superseded. Provided for appointment, duties, and assignments of commercial attachés and pay of their clerks. See note for Act of July 16, 1914, ch. 141, § 1 (par. beginning "Commercial attachés"), 38 Stat. 500.
May 10	276	1 (7th par. on p. 433).	44	433			Superseded. Provided for installment payment of certain D.C. teachers. Superseded by Act of July 1, 1943, ch. 184, § 1, 57 Stat. 322.
Do.	277	1 (2d full par. on p. 455).	44	455	5	496	Superseded. Authorized minor purchases of Government equipment to be made on the open market without regard to R.S. §§ 3709, 3744. Superseded by Act of Aug. 2, 1946, ch. 744, § 9(a), 60 Stat. 809.
Do.	277	1 (last proviso on p. 456).	44	456	43	24	Superseded. Authorized payment of mileage for automobile travel. Superseded by Act of June 9, 1949, ch. 185, 63 Stat. 166.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1926							
May 11	286.....	(3d proviso on p. 500).	44	500	5	520a	Superseded by Act of Sept. 21, 1944, ch. 412, § 705(b), 58 Stat. 742.
May 17	303.....		44	558	43	75a	Obsolete. Authorized Department of Interior employee acting as register of land office to administer oaths, but not to receive any additional compensation therefor. 1946 Reorg. Plan No. 3, § 403(d), eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, abolished the office of register.
May 20	348.....		44	587			Obsolete. Authorized leave accumulation and extended leave to World War I veterans to attend reunion in France in 1927.
July 2	723.....	21.....	44	800			Obsolete. Established U.S. Veterans' Bureau under President. Provides for appointment and salary of Director of Veterans' Bureau. Veterans' Bureau was abolished by Executive Order 5893, July 21, 1930, under Act of July 3, 1930, ch. 863, § 1, 46 Stat. 1016.
July 3	760.....	2.....	44	834			Superseded. Authorized annual and sick leave for members of U.S. Park Police in District of Columbia. Superseded by the Acts of Oct. 30, 1951, ch. 631, title II, 65 Stat. 679, and Aug. 21, 1964, Pub. L. 88-471, § 1, 78 Stat. 582.
Do.....	765.....		44	837			Obsolete. Authorized leave for World War I veterans who are employed by District of Columbia to attend Paris convention in 1927.
Do.....	783.....		44	892			Obsolete. Authorized leave for World War I veterans to attend Paris convention in 1927.
Do.....	801.....		44	904	5	691, 691a, 692a, 693, 693a, 694a, 695a, 696a, 697a-698a, 699a, 700a, 701a, 702a, 703a, 704a, 705a, 707a, 708a-715, 716-719, 720-725,	Superseded. Amended 1920 Civil Service Retirement Act generally to provide for retirement annuities for certain civil service employees. Superseded by the Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision. Parts of the act had previously been repealed.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1926 Dec. 11	4-----	3-----	44	919	5	727-729, 730, 731, 733, 735, 736, 736b, 736c 17a	Superseded. Provided that employees of the Veterans' Administration need not renew oath of office required by R.S. § 1756 (5 U.S.C. 16) because of change in status if services are continuous unless, in the opinion of the Administrator of Veterans' Affairs, the public interests require renewal. Superseded by the Acts of Aug. 14, 1937, ch. 624, 50 Stat. 640; and Nov. 22, 1943, ch. 303, 57 Stat. 591.
Dec. 15	8-----	3-----	44	921			Obsolete. Abolished office of attorney for District of Columbia Public Utilities Commission; provided for appointment, duties, and pay of a people's counsel. Sec. 2(b) of Reorg. Plan No. 5 of 1952, 66 Stat. 824, abolished the Office of People's Counsel.
1927 Jan. 12	27-----	1 (2d full par. on p. 936).	44	936	5	496	Superseded. Provided for contracts for Department of Interior, Howard University, Columbia Institute for the Deaf, etc., not exceeding \$100 without regard to R.S. §§ 3709, 3744. Superseded by the Act of Aug. 2, 1946, ch. 744, 60 Stat. 809.
Do-----	27-----	1 (1st proviso on p. 938).	44	938	43	24	Superseded. Authorized payment of mileage for automobile travel. Superseded by Act of June 9, 1949, ch. 185, 63 Stat. 166.
Do-----	27-----	1 (2d proviso on p. 957).	44	957	43	385	Expired. See note for § 385 of Title 43, U.S.C.
Jan. 18	39-----	(3d proviso on p. 977).	44	977	5	520a	Superseded by Act of Sept. 21, 1944, ch. 412, § 705(b), 58 Stat. 742.
Jan. 21	47-----	5(d)-----	44	1021	33	584	Superseded. Authorized payment of actual expense of transporting household effects on permanent change of station. Superseded by Act of Aug. 2, 1946, ch. 744, 60 Stat. 809.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1927 Feb. 23	167-----	(last full par. on p. 1138).	44	1138	-----	-----	Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, §:1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
Feb. 24	189-----	(words between 3d and 5th commas of 1st par. under "Department of Commerce").	44	1199	5	593	Expired. See note for § 593 of Title 5, U.S.C.
Do....	189-----	(par. beginning "Commercial attachés").	44	1200	-----	-----	Superseded. Provided for appointment, duties, and assignments of commercial attachés and pay of their clerks. See note for Act of July 16, 1914, ch. 141, § 1 (par. beginning "Commercial attachés"), 38 Stat. 500.
Mar. 2	271-----	1 (8th full par. on p. 1314).	44	1314	-----	-----	Superseded. Provided for installment payments of certain D.C. teachers. Superseded by Act of July 1, 1943, ch. 184, § 1, 57 Stat. 322.
Mar. 3	346-----	-----	44	1380	5	715	Superseded. Eliminated time requirement for certificate to be filed to continue employment after reaching retirement age, and validated continuance in office of present employees. Superseded by the Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743.
Do....	348-----	5-----	44	1382	-----	-----	Obsolete. Related to transfer of personnel, etc., to Prohibition Bureau from Internal Revenue Service and provided for field employees to be appointed by Commissioner of Prohibition subject to civil service laws. Bureau of Prohibition was abolished by consolidation with Bureau of Investigation, E.O. 6166, June 16, 1933.
Do....	365-----	6-----	44	1396	15	197e	Superseded. Provided for travel and subsistence allowance to officers, employees, etc., of Bureau of Foreign and Domestic Commerce on duty abroad or away from duty post. Superseded by Act of June 9, 1949, ch. 185, § 2, 63 Stat. 166.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1927 Mar. 3	381-----	-----	44	1403	22	277, 277a	Superseded. Provided for appointment of a commission to cooperate with Mexican representatives in equitable use of waters and authorized money for expenses in carrying out the order. Superseded by the Act of Aug. 19, 1935, ch. 561, 49 Stat. 660.
Mar. 4	509-----	42-----	44	1444	33	942	Superseded. Related to travel and subsistence allowances of commissioners under Longshoremen's and Harbor Workers' Compensation Act while traveling on official business away from their designated stations. Superseded by the Act of June 9, 1949, ch. 185, 63 Stat. 167.
1928 Feb. 15	57-----	(words between 3d and 5th commas of 1st par. under "Department of Commerce").	45	83	5	593	Expired. See note for § 593 of Title 5, U.S.C.
Mar. 5	126-----	2-----	45	193	5 31	677 268	Superseded. Provided that civilian field employees in executive departments, etc., should be paid adjusted compensation at rates not exceeding those permitted by the Act of Dec. 6, 1924. Superseded by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 973.
Mar. 6	134-----	-----	45	197	2	136a	Superseded. Fixed pay of Librarian of Congress at \$10,000 after July 1, 1928. Superseded by § 203(c) of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 415.
Mar. 7	137-----	1 (last proviso on p. 227).	45	227	43	385	Expired. See note for § 385 of Title 43, U.S.C.
Mar. 10	167-----	23-----	45	279	2 5	273 249a	Obsolete. (a) Provided that the pay of each of the two legislative counsel in office on the date of the Settlement of War Claims Act of 1928 shall be \$10,000. (b) Established pay of Special Assistant to Secretary of the Treasury so long as held by present incumbent. Both subsections are obsolete, as referring to incumbents who are not now in office.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1928 Mar. 23	232-----	1 (last full par. on p. 354).	45	354			Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
Apr. 4	315-----		45	405			Obsolete. Continued the succession of the War Finance Corporation. See note for the Act of Apr. 5, 1918, ch. 45, §§ 1-19, 40 Stat. 506-512.
Apr. 19	382-----		45	433			Executed. Authorized Spanish-American War veterans in Government employ to be granted extended leave to attend convention in Cuba in 1928.
May 16	572-----	(2d proviso on p. 540).	45	540	5	520a	Superseded by Act of Sept. 21, 1944, ch. 412, § 705(b), 58 Stat. 742.
Do-----	580-----	1 (3d par. under "Bureau of Efficiency").	45	576	5	649a	Obsolete. Extended investigatory authority of Bureau of Efficiency to the government of the District of Columbia. The Bureau was abolished by Act of Mar. 3, 1933, ch. 212, title IV, § 17, 47 Stat. 1519.
May 17	606-----		45	596			Obsolete. Authorized codification of Canal Zone laws, and authorized the President to employ persons necessary to codify laws of Canal Zone. The Canal Zone Code was approved by Act of June 19, 1934, ch. 667, not printed in Statutes at Large. The Canal Zone Code was recodified by Act of Oct. 18, 1962, Pub. L. 87-845, 76A Stat. 1.
May 21	659-----	1 (7th par. on p. 662).	45	662			Superseded. Provided for installment payments of certain D.C. teachers. Superseded by Act of July 1, 1943, ch. 184, § 1, 57 Stat. 322.
May 29	901-----	1 (116)-----	45	995	15	347	Obsolete. Amended War Finance Corporation Act. See note for Act of Apr. 5, 1918, ch. 45, §§ 1-19, 40 Stat. 506-512.
Do-----	909-----		45	1006	44	31, 39a	Superseded. Established salary of Public Printer and Deputy Public Printer. Superseded by § 203 (c), (d) of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 415.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1929 Jan. 25	102-----	(words between 3d and 5th commas of 1st par. under "Department of Commerce").	45	1114	5	593	Expired. See note for § 593 of Title 5, U.S.C.
Feb. 16	227-----	(1st proviso on p. 1190).	45	1190	5	520a	Superseded by Act of Sept. 21, 1944, ch. 412, § 705(b), 58 Stat. 742.
Feb. 20	270-----	1 (3d par. under "Bureau of Efficiency").	45	1233	5	651a	Obsolete. Provided that the Chief of the Bureau of Efficiency report annually the savings effected in the bureaus and offices of the Government as a result of recommendations of the Bureau. The Bureau was abolished by Act of Mar. 3, 1933, ch. 212, title IV, § 17, 47 Stat. 1519.
Do----	271-----		45	1248	5	715	Superseded. Authorized the Civil Service Commission to permit continuance of employees beyond retirement age who have been retained without prior authority. Superseded by the Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743.
Feb. 25	313-----	5-----	45	1262	33	717a	Obsolete. Authorized details of superintendents and engineers of the Lighthouse Service to duty in the Bureau of Lighthouses in Washington. Lighthouse Service was consolidated with Coast Guard under § 2(a) of 1939 Reorg. Plan No. II, eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1431.
Do----	314-----	1 (4th par. on p. 1279).	45	1279			Superseded. Provided for installment payments of certain D.C. teachers. Superseded by Act of July 1, 1943, ch. 184, § 1, 57 Stat. 322.
Feb. 26	323-----		45	1307	25	58	Executed and obsolete. Repealed an act limiting salaries at Indian agencies. See note for R.S. § 2052.
Feb. 28	366-----	(2d par. on p. 1353).	45	1353	5	189	Expired. Prohibited assignments to duty in bureaus of War Department of clerks, messengers, and laborers of headquarters of tactical divisions, military departments, brigades, service schools, and Office of the Chief of Staff. See note for § 189 of Title 5, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1929 Feb. 28	366-----	(4th full par. on p. 1375).	45	1375	-----	-----	Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
Do-----	367-----	1 (proviso on p. 1397).	45	1397	5	75b	Obsolete. Provided that quarters, heat, light, fuel, and telephone service furnished the director of the Botanic Garden may continue to be furnished without deduction from his pay. See note for § 75b of Title 5, U.S.C.
Mar. 1	444-----	-----	45	1442	-----	-----	Obsolete. Amended the War Finance Corporation Act. See note for Act of Apr. 5, 1918, ch. 45, §§ 1-19, 40 Stat. 506-512.
Mar. 2	540-----	("Sec. 9")-----	45	1521	-----	-----	Superseded. Fixed salary of executive secretary of the board and board members of the nurses' examining board for the District of Columbia. Superseded as to executive secretary by Act of Oct. 28, 1949, ch. 782, 63 Stat. 954. Superseded as to members of board by Act of July 14, 1956, ch. 590, § 1, 70 Stat. 532.
Mar. 4	701-----	5-----	45	1559	47	84a	Obsolete. Provided for appointment and pay of a general counsel, assistants to the general counsel, and other legal assistants to the Federal Radio Commission. The Federal Radio Commission was abolished by the Act of June 19, 1934, ch. 652, title VI, § 603, 48 Stat. 1102.
Do-----	705-----	1 (2d proviso on p. 1589).	45	1589	43	385	Expired. See note for § 385 of Title 43, U.S.C.
Do-----	714-----	1-----	45	1699	-----	-----	Obsolete. Provided for establishment and appointment of members of the National Memorial Commission. Commission was abolished and functions transferred to Office of National Parks of Department of the Interior by E. O. 6166, June 10, 1933, as amended.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1929 June 18	28-----	3 (2d proviso)---	46	21	5	35	Superseded. Provided preference for veterans, etc., in appointments in the executive branch. Superseded by the Act of June 27, 1944, ch. 287, 58 Stat. 387, as amended, which is carried into this revision. Rights preserved by § 18 of the Act of June 27, 1944, are further preserved by technical § 8 of this bill.
Dec. 18	7-----	3-----	46	50	47	84b	Obsolete. Provided for appointment and pay of a chief engineer, assistants to the chief engineer, and other technical assistants to the Federal Radio Commission. The Federal Radio Commission was abolished by the Act of June 19, 1934, ch. 652, title VI, § 603, 48 Stat. 1102.
1930 Apr. 23	209-----	2-----	46	253	5	47a note	Executed. Provided effective date for section 1 of the Act of which it was a part and for repeal of laws in conflict herewith.
May 14	273-----	1 (2d proviso on p. 306).	46	306	43	385	Expired. See note for § 385 of Title 43, U.S.C.
May 26	324-----	2-----	46	382	16	17a	Superseded. Provided for travel allowances and mileage for administration of National Park Service. Superseded by the Act of June 9, 1949, ch. 185, 63 Stat. 166.
Do---	330-----	-----	46	384	20	2a	Obsolete. Provided for appointment of an Assistant Commissioner of Education, and his duties. The position was abolished and functions transferred to Office of Education by 1946 Reorg. Plan No. 2, § 7, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1096.
May 27	341-----	(3d proviso on p. 393).	46	393	5	520a	Superseded by Act of Sept. 21, 1944, ch. 412, § 705(b), 58 Stat. 742.
May 28	348-----	(3d par. on p. 458).	46	458	-----	-----	Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791 (2d par. under "Antietam Battlefield"), 31 Stat. 630.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Vol- ume	Page	Title	Section	
1950 May 29	349-----	-----	46	468	5	691-736c	Superseded. Amended 1926 Civil Service Retirement Act generally to provide a system of retirement annuities for certain civil service employees. Superseded by the Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision. Existing rights are preserved by technical § 8 of this bill.
June 6	407-----	1 (proviso on p. 516).	46	516	5	75b	Obsolete. Provided that quarters, heat, light, fuel, and telephone service furnished the director of the Botanic Garden may continue to be furnished without deduction from his pay. See note for § 75b of Title 5, U.S.C.
June 17	497-----	339-----	46	706	19	1339	Executed. Related to effect of repeal and reenactment of laws relating to Tariff Commission upon status of appropriations, employees, and privileges. The law has no further application.
June 27	644-----	-----	46	822	45	24, 26	Superseded. Provided for pay of locomotive inspectors. Act of May 27, 1947, ch. 85, § 1, 61 Stat. 120, placed positions under the Classification Act of 1923.
July 3	847-----	6 (4th par.)-----	46	948	33	584a	Superseded. Authorized payment of actual travel expenses on permanent change of station. Superseded by Act of Aug. 2, 1946, ch. 744, 60 Stat. 806.
Do-----	848-----	1 (1st par. on p. 969).	46	969	-----	-----	Superseded. Provided for installment payments of certain D.C. teachers. Superseded by Act of July 1, 1943, ch. 183, § 1, 57 Stat. 322.
Do-----	855-----	-----	46	1009	5	231	Superseded. Provided for salary of Commissioner of Customs. Pay is now fixed by § 303(e) of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 420.
Dec. 12	10-----	-----	46	1026	19	6a, 6b, 6c, 6d	Superseded. Provided for pay and classification of customs employees. Superseded by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1931 Feb. 10	117-----	3-----	46	1085	29	48b	Obsolete. Established Federal Employment Stabilization Board, defined its functions, and authorized appointment and pay of subordinates. The Federal Employment Stabilization Board was abolished by E.O. 6166, June 10, 1933, and its functions transferred to the Federal Emergency Administration of Public Works. This transfer was revoked by E.O. 6623, Mar. 1, 1934, which transferred these functions to the Federal Employment Stabilization Office in the Department of Commerce. The functions of the Federal Employment Stabilization Office were transferred to the Executive Office of the President by 1939 Reorg. Plan No. 1, eff. July 1, 1939, §§ 4, 6, 4 F.R. 2727, 53 Stat. 1423, to be administered by the National Resources Planning Board. The National Resources Planning Board was abolished by Act of June 26, 1943, ch. 145, title I, § 1, 57 Stat. 170, and transfer of its functions forbidden.
Feb. 14	187-----	1 (2d proviso on p. 1142).	46	1142	43	385	Expired. See note for § 385 of Title, 43, U.S.C.
Feb. 20	234-----	1 (proviso on p. 1185).	46	1185	5	75b	Obsolete. Provided that quarters, heat, light, fuel, and telephone service furnished the director of the Botanic Garden may continue to be furnished without deduction from his pay. See note for § 75b of Title 5, U.S.C.
Feb. 23	278-----	(2d proviso on p. 1243).	46	1243	5	520a	Superseded by Act of Sept. 21, 1944, ch. 412, § 705(b), 58 Stat. 742.
Do-----	279-----	(2d par. on p. 1302).	46	1302	-----	-----	Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1931							
Feb. 23	280-----	1 (words between 2d and 4th commas of 1st par. under "Department of Commerce").	46	1329	5	593	Expired. See note for § 593 of Title 5, U.S.C.
Do-----	282-----	1 (5th full par. on p. 1394).	46	1394	-----	-----	Superseded. Provided for installment payments of certain D.C. teachers. Superseded by Act of July 1, 1943, ch. 184, § 1, 57 Stat. 322.
Feb. 26	306-----	-----	46	1421	5	600a	Superseded. Authorized Secretary of Commerce to continue pay and longevity allowances to officers and men on vessels. Superseded by the Act of Oct. 28, 1949, ch. 782, title II, § 202(8), 63 Stat. 958.
Mar. 2	375-----	-----	46	1471	-----	-----	Obsolete. Provided retirement annuities for certain employees in the Panama Canal Zone. Made obsolete by the Act of July 21, 1949, ch. 356, 63 Stat. 475, which transferred the assets and liabilities of the Canal Zone retirement system to the Civil Service retirement system.
Mar. 4	516-----	-----	46	1530	48	62	Obsolete. Fixed the pay of the Secretary and the Governor of the Territory of Alaska. Alaska was proclaimed a State, Proc. No. 3269, Jan. 5, 1959, 24 F.R. 81, 73 Stat. c16, pursuant to the Act of July 7, 1958, Pub. L. 85-508, 72 Stat. 339.
1932							
Jan. 22	8-----	3-----	47	5	15	602	Obsolete. Provided for appointment, compensation, and duties of the Board of Directors of the Reconstruction Finance Corporation. The Corporation was abolished by § 6(a) of 1957 Reorg. Plan No. 1, eff. June 30, 1957, 22 F.R. 4633, 71 Stat. 647.
Do--	8-----	4-----	47	6	15	603	Obsolete. Provided for powers of Reconstruction Finance Corporation, including appointment and pay of employees. See note for § 3 of the act.
Apr. 22	125-----	1 (2d proviso on p. 114).	47	114	43	385	Expired. See note for § 385 of Title 43, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1932							
June 29	308-----	1 (penultimate par. on p. 360).	47	360			Superseded. Provided for installment payments of certain D.C. teachers. Superseded by Act of July 1, 1943, ch. 184, § 1, 57 Stat. 322.
June 30	314-----	1 (proviso on p. 393).	47	393	5	75b	Obsolete. Provided that quarters, heat, light, fuel, and telephone service furnished the director of the Botanic Garden may continue to be furnished without deduction from his pay. See note for § 75b of Title 5, U.S.C.
Do....	314-----	205-----	47	404			Obsolete. Provided that reductions in pay made by the act of which this is a part should not operate to reduce compensation for the purpose of computing retirement benefits or deductions, but that retired pay should be reduced in accordance with the act. Largely executed. Existing rights are preserved by technical § 8 of this bill.
Do....	314-----	213-----	47	406	5	35a, 37a	Superseded. Provided for separation of spouse of Federal employee in reduction in force, and for preference in appointments to persons not spouses of Federal employees. Superseded by the Act of July 27, 1937, ch. 522, 50 Stat. 533, which is carried into this revision.
Do....	314-----	215-----	47	407	5	30a	Superseded. Provided for reduction of annual leave with pay, accumulation of annual leave, and for sick leave. Superseded by the Act of Oct. 30, 1951, ch. 631, 65 Stat. 679.
Do....	314-----	401-408-----	47	413-415	5	124-132	Expired. Authorized President, by Executive order, to reorganize executive and administrative agencies of the Government, with certain limitations. Authority expired, pursuant to § 409, of the Act as added Mar. 3, 1933, ch. 212, § 16, 47 Stat. 1519, and amended Mar. 20, 1933, ch. 3, title III, § 1, 43 Stat. 16, 2 years after Mar. 20, 1933.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1932 June 30	314	501	47	415	5	597a	Obsolete. Provided for consolidation of Steamboat Inspection Service and the Bureau of Navigation of Department of Commerce into Bureau of Navigation and Steamboat Inspection and for appointment of bureau chief. The name of the Bureau of Navigation and Steamboat Inspection was changed to Bureau of Marine Inspection and Navigation by the Act of May 27, 1936, ch. 463, § 1, 49 Stat. 1380. The Bureau of Marine Inspection was abolished by § 104 of 1946 Reorg. Plan No. 3, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1097, 1098.
Do.	314	502	47	415	5	597b	Executed. Provided for transfer of property and personnel of Bureau of Navigation and the Steamboat Inspection Service to Bureau of Navigation and Steamboat Inspection and established effective date. See note for § 501 of the act.
Do.	314	503	47	415	5	597c	Executed. Preserved rights and duties on the consolidation of the Steamboat Inspection Service and the Bureau of Navigation into Bureau of Navigation and Steamboat Inspection. See note for § 501 of the act.
Do.	314	504	47	416	5	597d	Executed. Provided that appropriations for Steamboat Inspection Service and Bureau of Navigation might be used by Bureau of Navigation and Steamboat Inspection into which they were consolidated, unexpended funds to be returned to Treasury. See note for § 501 of the act.
Do.	314	509	47	416	-----	-----	Executed. Provided effective date for certain sections of the Act of which it was a part.
July 1	361	1 (words between 2d and 4th commas of 1st par. under "Department of Commerce").	47	497	5	598	Expired. See note for § 593 of Title 5, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
<i>1932</i>							
July 7	443-----	1 (4th proviso on p. 610).	47	610	5	520a	Superseded by Act of Sept. 21, 1944, ch. 412, § 705(b), 58 Stat. 742.
July 14	482-----	1 (1st par. on p. 690).	47	690			Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 8, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
<i>1933</i>							
Jan. 17	11-----	1-----	47	761	48	1231	Obsolete. Authorized Philippine Legislature to provide for election of delegates to a Constitutional Convention. The Philippine Islands were proclaimed independent, Proc. No. 2695, July 4, 1946, 11 F.R. 7515, 60 Stat. 1353.
Feb. 17	98-----	1 (2d proviso on p. 842).	47	842	43	385	Expired. See note for § 385 of Title 43, U.S.C.
Feb. 28	134-----	1 (proviso on p. 1362).	47	1362	5	75b	Obsolete. Provided that quarters, heat, light, fuel, and telephone service furnished the director of the Botanic Garden may continue to be furnished without deduction from his pay. See note for § 75b of Title 5, U.S.C.
Mar. 1	144-----	1 (words between 3d and 5th commas of 1st par. under "Department of Commerce").	47	1388	5	593	Expired. See note for § 593 of Title 5, U.S.C.
Mar. 3	203-----	(4th proviso on p. 1432).	47	1432	5	520a	Superseded by Act of Sept. 21, 1944, ch. 412, § 705(b), 58 Stat. 742.
Do....	212-----	8-----	47	1515	5	2255 note	Executed. Provided that certain Federal employees excepted from mandatory retirement by Executive order until not later than July 30, 1932, should be regarded as retired as of the date of separation. Existing rights are preserved by technical § 8 of this bill.
Do....	212-----	11-----	47	1516	5	26b	Superseded. Provided for 7-hour workday for certain employees instead of the hours provided by Act of Mar. 3, 1931, ch. 396, 46 Stat. 1482. Superseded by Act of June 30, 1945, ch. 212, title VI, § 604, 59 Stat. 303.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1853 Mar. 3	212	16	47	1517	5	124-132	Expired. Amended Act of June 30, 1932, ch. 314, part II, title IV, generally; authorized the President, by Executive order, to reorganize the executive branch, with certain limitations. See note for Act of June 30, 1932, ch. 314, §§ 401-408, 47 Stat. 413.
Do.	212	17	47	1519	5	651b	Executed. Abolished the Bureau of Efficiency and transferred its duties, records, and property to Bureau of Budget.
Mar. 4	281	1 (1st full par. on p. 1596).	47	1596			Obsolete. Provided for appointment and pay of a superintendent of Antietam Battlefield. See note for Act of June 6, 1900, ch. 791, § 1 (2d par. under "Antietam Battlefield"), 31 Stat. 630.
Mar. 20	3	5	48	15			Obsolete. Provided that deductions in pay made by the Act of which this is a part should not operate to reduce compensation for the purpose of computing retirement benefits or deductions, but that retired pay should be reduced in accordance with the act. Largely executed. Existing rights are preserved by technical § 8 of this bill.
Do.	3	1	48	16	5	130, 132	Expired. Amended Act of June 30, 1932, ch. 314, part II, title IV, as amended, to provide for effective date of reorganization by Executive order, and to extend the time during which reorganization by Executive order was authorized. See note for Act of June 30, 1932, ch. 314, §§ 401-408, 47 Stat. 413.
Mar. 31	17	1, 2, 4-6	48	22, 23	16	585-590	Expired. Provided for employment, in the nature of work relief, in forestation. Authority for employment expired Mar. 31, 1937, pursuant to § 6 of the Act, as amended by Act of Apr. 8, 1935, ch. 48, § 14, 49 Stat. 119.
May 12	25	40 (proviso)	48	51	12	636	Superseded. Limited pay of persons employed by the Governor of the Farm Credit Administration. Superseded by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Vol- ume	Page	Title	Section	
1933 May 12	30-----	3-----	48	56	15	723	Obsolete. Created Federal Emergency Relief Administration and provided for appointment, compensation, and duties of its officers and employees. The Administration terminated June 30, 1938, pursuant to the Act of June 29, 1937, ch. 401, § 13, 50 Stat. 357.
May 18	32-----	17-----	48	67	16	831p	Obsolete. Provided for construction of Cove Creek Dam, appointment of engineers therefor, and authorized investigation of management of dams in the Tennessee River Basin and employment of attorneys therefor.
June 13	64-----	4-----	48	129	12	1463	Obsolete. Provided for creation of Home Owners' Loan Corporation, for appointment and compensation of its Board of Directors, for appointment and compensation of its employees, and for other powers of the Corporation. The Act of June 30, 1953, ch. 170, § 21, 67 Stat. 126, dissolved and abolished the Corporation 180 days after publication of notice of its dissolution. The notice was published Aug. 7, 1953, 18 F.R. 4696.
June 16	90-----	2-----	48	195	15	702	Expired. Authorized the President to establish agencies, use volunteer services, and appoint employees and prescribe their duties and pay, and to delegate his authority, to carry out the title of which this section is a part. Expired Apr. 1, 1936, pursuant to joint resolution of June 14, 1935, ch. 246, 49 Stat. 375.
Do-----	90-----	201-----	48	200	40	401, 411	Expired. Authorized the President to create a Federal Emergency Administration of Public Works, to appoint its officers and employees and fix their duties and pay and to delegate his powers; and authorized the Administrator appointed under the section to appoint and fix the compensation of employees necessary to carry out the provisions of the title of

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
							which this section is a part. Expired June 30, 1943, pursuant to subsec. (d) of the section as amended by the Acts of June 22, 1936, ch. 689, title II, 49 Stat. 1608; June 29 1937, ch. 401, title II, § 201, 50 Stat. 357; June 21, 1938, ch. 554, title II, § 202, 52 Stat. 817; June 27, 1940, ch. 437, title I, 54 Stat. 634; Apr. 5, 1941, ch. 40, § 1, 55 Stat. 110; and June 27, 1942, ch. 450, § 1, 56 Stat. 410.
1933 June 16	91-----	2-----	48	211	49	252	Expired. Provided for appointment of a Federal Coordinator of Transportation, his powers, duties, and pay; and authorized him to appoint and fix the pay of such assistants as are necessary to the performance of his duties. Expired June 17, 1936, pursuant to § 17 of the act, 48 Stat. 217, and joint resolution of June 14, 1935, ch. 247, § 1, 49 Stat. 376.
Do-----	91-----	14-----	48	216	49	264	Expired. Emergency Railroad Transportation Act of 1933, provided for expenses of Coordinator of Transportation and authorized free transportation for his employees. See note for § 2 of the act.
Do-----	93-----	1 (2d par. on p. 236).	48	236	-----	-----	Superseded. Provided for installment payments of certain D.C. teachers. Superseded by Act of July 1, 1943, ch. 184, § 1, 57 Stat. 322.
Do-----	98-----	2-----	48	257	12	1131	Obsolete. Provided for establishment of Production Credit Corporations, and authorized appointment and pay of their employees. See note for § 1131 of Title 12, U.S.C.
Do-----	98-----	70-----	48	269	12	683	Obsolete. Provided for restriction on Federal Land Bank directors serving as officer or employee of the bank or Farm Credit Administration, restriction on pay of directors to 30 days per year, and exceptions. Superseded by Act of Aug. 19, 1937, ch. 704, § 7(b), 50 Stat. 707.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1933 June 16	101-----	8-----	48	305	5	2255 note	Executed. Provided retirement benefits under the Civil Service Retirement Act and the Canal Zone Retirement Act for certain employees involuntarily separated, other than for cause, between June 16, 1933, and July 1, 1935. Existing rights are preserved by technical § 8 of this bill.
Do-----	101-----	16(a)-----	48	307	5	293a	Obsolete. Provided for appointment of Assistant Solicitor General in Department of Justice, his compensation, and duties. The office was abolished by 1950 Reorg. Plan No. 2, § 4, eff. May 24, 1950, 15 F.R. 3173, 64 Stat. 1261.
1934 Feb. 15	13-----	1 (2d, 3d, and 4th provisos):	48	351,352	5	796	Obsolete: Provided workmen's compensation for employees of the Federal Civil Works Administration. The Administration expired July 1, 1934. Existing rights are preserved by technical § 8 of this bill.
Mar. 2	38-----	1 (2d proviso on p. 380).	48	380	43	385	Expired. See note for § 385 of Title 43, U.S.C.
Mar. 15	70-----	1 (3d through 47th words under "Office of Chief Clerk and Superintendent").	48	426	5	249	Expired. Designated chief clerk the chief executive officer of the Treasury Department, and authorized his designation as officer to sign papers. Provision applied to fiscal 1936, and was not repeated in subsequent years. Similar provisions were contained in the Acts of Mar. 3, 1933, ch. 212, title I, § 1, 47 Stat. 1489; July 5, 1932, ch. 430, title I, § 1, 47 Stat. 580; Feb. 23, 1931, ch. 277, title I, § 1, 46 Stat. 1218; May 15, 1930, ch. 289, title I, § 1, 46 Stat. 336; Dec. 20, 1928, ch. 39, title I, § 1, 45 Stat. 1029; Mar. 5, 1928, ch. 126, title I, § 1, 45 Stat. 163; Jan. 26, 1927, ch. 58, title I, § 1, 44 Stat. 1028; Mar. 2, 1926, ch. 43, title I, § 1, 44 Stat. 137; Jan. 22, 1925, ch. 87, title I, 43 Stat. 764; Apr. 4, 1924, ch. 84, title I, 43 Stat. 64; Jan. 2,

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
							1923, ch. 22, 42 Stat. 1088; Feb. 17, 1922, ch. 55, 42 Stat. 367; Mar. 3, 1921, ch. 124, § 1, 41 Stat. 1264; May 29, 1920, ch. 214, § 1, 41 Stat. 643; Mar. 1, 1919, ch. 86, § 1, 40 Stat. 1225; July 3, 1918, ch. 130, § 1, 40 Stat. 770; Mar. 3, 1917, ch. 163, § 1, 39 Stat. 1083.
1934 Mar. 24	84-----	7-----	48	460	7	31	Obsolete. Required submission of amendments to the Constitution of the Commonwealth of the Philippine Islands to the President; authorized the President to suspend the operation of laws, contracts, and orders of the Commonwealth; provided for an annual report; provided for appointment, pay, and duties of the United States High Commissioner to the Philippines and his staff; provided for election of a Resident Commissioner and his pay and term of office; and provided for judicial review. The Philippine Islands were proclaimed independent, Proc. No. 2695, July 4, 1946, 11 F.R. 7515, 60 Stat. 1353.
Mar. 26	89-----	(3d proviso on p. 468).	48	468	5	520a	Superseded by Act of Sept. 21, 1944, ch. 412, § 705(b), 58 Stat. 742.
Mar. 28	102-----	1 (last proviso on p. 512).	48	512	5	633e	Obsolete and superseded. Permitted adjustment of classification and pay of employees of the Civil Service Commission notwithstanding the Act of June 30, 1932, ch. 134, title II, § 506, 47 Stat. 416. Sec. 506 was repealed by the Act of Oct. 28, 1949, ch. 782, title XII, § 1202(5), 63 Stat. 973. Superseded by that act which is carried into this revision.
Do----	102-----	23 (less proviso)	48	522	5	673c	Executed and superseded. See note for § 673c of Title 5, U.S.C.
Apr. 7	104-----	1 (words between 3d and 6th commas of 1st par. under "Department of Commerce").	48	546	5	593	Expired. See note for § 593 of Title 5, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1934 May 10	277-----	512(b)-----	48	759	5	297, 297a	Superseded. Abolished office of General Counsel for Bureau of Internal Revenue, Assistant General Counsel for Bureau of Internal Revenue, Solicitor of Treasury, and Assistant Solicitor of Treasury; and transferred functions to the General Counsel of the Treasury. Superseded by the Act of Aug. 16, 1954, ch. 736, § 7801, 68A Stat. 915.
Do-----	277-----	513-----	48	759	5	246a	Obsolete. Authorized Secretary of the Treasury to appoint five assistants without regard to the civil service laws and the Classification Act of 1923, and to delegate functions to these assistants; and authorized the President to terminate the authority by Executive order. The authority to appoint without regard to the civil service laws was terminated by E.O. 8743, Apr. 23, 1941, pursuant to the Act of Nov. 26, 1940, ch. 919, title I, § 1, 54 Stat. 1211. The authority to appoint without regard to the Classification Act of 1923, was terminated by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954. The authority to appoint, generally, is covered by R.S. § 169, as amended, which is carried into this revision.
May 30	372-----	1 (proviso on p. 828).	48	828	5	75b	Obsolete. Provided that quarters, heat, light, fuel, and telephone service furnished the director of the Botanic Garden may continue to be furnished without deduction from his pay. See note for § 75b of Title 5, U.S.C.
June 4	389-----	1 (5th par. on p. 860).	48	860	-----	-----	Superseded. Provided for installment payments of certain D.C. teachers. Superseded by Act of July 1, 1943, ch. 184, § 1, 57 Stat. 322.
June 19	648-----	1 (2d proviso on p. 1060).	48	1060	5	248b	Superseded. Established salary limitation of \$10,000 for certain employees of Treasury Department. Superseded by the Act of Oct. 23, 1949, ch. 782, 63 Stat. 954.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Vol- ume	Page	Title	Section	
1934							
June 19	677-----	-----	48	1183	15	702a-702f	Expired. Authorized the President to establish boards to investigate issues arising in controversies under § 7(a) of the Act of June 16, 1933, ch. 90, 48 Stat. 198; and provided for its duties and pay. The authority expired June 16, 1935, pursuant to § 5 of the act.
June 22	709-----	-----	48	1201	5	724	Superseded. Amended 1930 Civil Service Retirement Act to provide for refund of contributions and for naming of beneficiaries. Superseded by Act of July 31, 1956, ch. 804, § 401, title IV, 70 Stat. 743.
June 27	868-----	9-----	48	1287	45	209	Superseded. Established Railroad Retirement Board and provided for appointment, compensation, and duties of its members. Section was part of the Railroad Retirement Act of 1934, which was declared unconstitutional, <i>Railroad Retirement Board v. Atton R. Co.</i> , 295 U.S. 330, and was superseded by the Act of Aug. 29, 1935, ch. 812, 49 Stat. 967.
1935							
Mar. 22	39-----	1 (2d proviso on p. 70).	49	70	5	274	Expired. See note for § 274 of Title 5, U.S.C.
Do----	39-----	1 (words between 3d and 6th commas of 1st par. under "Department of Commerce").	49	86	5	593	Expired. See note for § 593 of Title 5, U.S.C.
Apr. 8	48-----	14-----	49	119	16	590	Executed. Extended to Mar. 31, 1937, the expiration of the Act of Mar. 31, 1933, ch. 17, 48 Stat. 22.
May 9	101-----	1 (2d proviso on p. 197).	49	197	43	385	Expired. See note for § 385 of Title 43, U.S.C.
May 17	131-----	1 (1st proviso on p. 248).	49	248	5	520a	Superseded by Act of Sept. 21, 1944, ch. 412, § 705(b), 58 Stat. 742.
June 14	241-----	1 (last par. on p. 355).	49	355	-----	-----	Superseded. Provided for installment payments of certain D.C. teachers. Superseded by Act of July 1, 1943, ch. 184, § 1, 57 Stat. 322.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1935 July 25	416-----	-----	49	498	5	141-149	Expired. Created a Central Statistical Committee and a Central Statistical Board; designated officers to serve on Committee and provided for appointment and pay of members of the Board; authorized appointment of employees of the Board; prescribed functions of the Committee and Board; and abolished predecessor Central Statistical Board. Authority conferred by the Act expired July 25, 1940, pursuant to § 9 of the act.
Aug. 28	791-----	-----	49	941	5	2255 note	Executed. Provided that certain employees automatically separated for age during July 1932 should be entitled to annuity beginning the day after separation. Existing rights are preserved by technical § 8 of this bill.
1936 Jan. 21	21-----	-----	49	1097	-----	-----	Executed. Ratified pay, appointments, etc., of the members and employees of the Railroad Retirement Board established June 27, 1934; continued the Board for 60 days; authorized refund of employee contributions to the retirement fund, and provided for expense of continuing Board. See note for Act of June 27, 1934, ch. 868, § 9, 48 Stat. 1287.
Mar. 14	140-----	3-----	49	1161	5	31a	Executed. Required reports of overtime work for the period from July 1 to Dec. 31, 1936.
May 15	405-----	1 (5th full par. on p. 1321).	49	1321	5	274	Expired. See note for § 274 of Title 5, U.S.C.
Do-----	405-----	1 (words between 3d and 5th commas of 1st par. under "Department of Commerce").	49	1331	5	593	Expired. See note for § 593 of Title 5, U.S.C.
May 27	463-----	1-----	49	1380	5	597a-1	Obsolete. Changed name of Bureau of Navigation and Steamboat Inspection to Bureau of Marine Inspection and Navigation. Bureau was abolished by § 104 of 1946 Reorg. Plan No. 3, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1097, 1098.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1936 May 27	463-----	2-----	49	1381	46	373	Obsolete. Provided for appointment, qualifications, salary limit, vacancies, and travel of supervisory inspectors. Offices of supervisory inspectors were abolished by § 104, 1946 Reorg. Plan No. 3, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1098.
Do-----	463-----	3-----	49	1381	46	374a	Obsolete. Provided for appointment, pay limit, travel expenses, and eligibility of principal traveling inspectors in Bureau of Marine Inspection and Navigation. The positions of principal traveling inspectors were abolished by § 104 of 1946 Reorg. Plan No. 3, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1098.
June 4	489-----	(3d proviso)-----	49	1421	5	520a	Superseded by Act of Sept. 21, 1944, ch. 412, § 705(b) 58 Stat. 742.
June 5	519-----	-----	49	1478	48	1237b	Obsolete. Provided for appointment of Acting High Commissioner to the Philippine Islands. The Philippines were proclaimed independent, 1946 Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.
Do-----	526-----	-----	49	1483	5	73d	Superseded. Authorized Secretary of the Interior to furnish transportation to and from post of duty to persons appointed from the United States to a post of duty in the Virgin Islands, and provided for return of remains of deceased employees. Superseded by the Acts of Aug. 2, 1946, ch. 744, 60 Stat. 806; and July 8, 1940, ch. 551, § 1, 54 Stat. 743.
Do-----	529-----	-----	49	1484	5	300c	Superseded. Fixed salary of Director of Federal Bureau of Investigation. Superseded by the Act of Aug. 14, 1964, Pub. L. 88-426, § 303, 78 Stat. 416.
June 22	691-----	1 (2d proviso on p. 1781).	49	1781	43	385	Expired. See note for § 385 of Title 43, U.S.C.
Do-----	699-----	9-----	49	1809	48	1405h	Superseded. See note for § 1405h of Title 48, U.S.C.
Do-----	699-----	10-----	49	1809	48	1405i	Superseded. See note for § 1405i of Title 48, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1936							
June 22	699-----	20-----	49	1812	48	1405s	Superseded. See note for § 1405s of Title 48, U.S.C.
Do-----	699-----	21-----	49	1812	48	1405t	Superseded. See note for § 1405t of Title 48, U.S.C.
Do-----	699-----	26-----	49	1813	48	1405y	Superseded. See note for § 1405y of Title 48, U.S.C.
Do-----	699-----	38-----	49	1817	48	1406j	Superseded. See note for § 1406j of Title 48, U.S.C.
June 23	726-----	1 (10th full par. on p. 1869).	49	1869	-----	-----	Superseded. Provided for installment payments of certain D.C. teachers. Superseded by Act of July 1, 1943, ch. 184, § 1, 57 Stat. 322.
Do-----	728-----	-----	49	1888	-----	-----	Superseded. Amended 1926 Civil Service Retirement Act to make it apply to employees of the Federal Bureau of Investigation. Superseded by § 401 of the Act of July 31, 1956, ch. 804, title IV, 70 Stat. 743, which is carried into this revision.
June 24	754-----	3-----	49	1904	-----	-----	Obsolete. Amendment to Canal Zone Code relating to precedence of payment of annuity credit remaining upon death of annuitant. Made obsolete by the Act of July 21, 1949, ch. 356, 63 Stat. 475, transferring the assets and liabilities of the Canal Zone retirement system to the civil service retirement system.
June 26	830-----	501-----	49	1964	27	202a	Obsolete. Established the Federal Alcohol Administration, and provided for appointment, duties, and pay of its employees. The administration was abolished and its functions transferred to the Secretary of the Treasury by 1940 Reorg. Plan No. III, § 2, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232.
Do-----	830-----	502-----	49	1964	27	202b	Obsolete. Provided for appointment, pay, tenure, and powers of members of Federal Alcohol Administration. Administration was abolished by 1940 Reorg. Plan No. III, §§ 2, 8, 9, eff. June 30, 1940, 54 Stat. 1232.
Do-----	832-----	1-----	49	1969	5	673c	Executed and superseded. See note for § 673c of Title 5, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1956							
June 26	832-----	2-----	49	1969	5	673c note	Executed. Provided effective date of the Act of which it was a part.
Do----	842-----	6-----	49	1978	43	315c	Superseded. Provided for appointment of Director and Assistant Director of Grazing and other employees. Superseded by 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.
1957							
Feb. 3	8-----	-----	50	7	5	135-138	Superseded. Created a Joint Committee on Government Organization; provided for its appointment, powers, and duties; and authorized appointment and pay of employees. Superseded by the Act of Aug. 2, 1946, ch. 753, 60 Stat. 812.
Apr. 26	127-----	-----	50	72	15	828-851	Expired. Created the National Bituminous Coal Commission in the Department of the Interior; provided for appointment, compensation, and duties of its members and employees; imposed taxes on the sale of bituminous coal; and provided for establishment of marketing codes. Expired May 21, 1943, pursuant to § 19 of the Act, as amended Apr. 11, 1941, ch. 64, § 1(a), 55 Stat. 134; Apr. 24, 1943, ch. 68, 57 Stat. 68; and May 21, 1943, ch. 97, 57 Stat. 82.
June 16	359-----	1 (1st proviso on p. 269).	50	269	5	26c	Obsolete. Excepted certain employees from provisions relating to hours of work of Act of Mar. 3, 1931, ch. 396, 46 Stat. 1482, which was repealed by § 604(c), title VI, of Act of June 30, 1945, ch. 212, 59 Stat. 303.
Do ---	359-----	1 (3d full par. on p. 273).	50	273	5	274	Expired. See note for § 274 of Title 5, U.S.C.
Do ---	359-----	1 (words between 3d and 5th commas of 1st par. under "Department of Commerce").	50	283	5	593	Expired. See note for § 593 of Title 5, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1937 June 28	383-----	1-----	50	319	16	584	Obsolete. Established Civilian Conservation Corps, and defined its functions. The Civilian Conservation Corps was transferred to Federal Security Agency by 1939 Reorg. Plan No. I, §§ 201, 207, eff. July 1, 1939, 53 Stat. 1424. The Acts of July 2, 1942, ch. 475, title II, 56 Stat. 569; and July 12, 1943, ch. 221, title II, 57 Stat. 499, appropriated funds for liquidation of the Civilian Conservation Corps. The latter provided that liquidation should be completed no later than June 30, 1944.
Do----	383-----	2-----	50	319	16	584a	Obsolete. Provided for appointment, powers, and pay of the Director of the Civilian Conservation Corps. See note for § 1 of the Act.
Do----	383-----	5-----	50	320	16	584d	Obsolete. Provided for appointment of civilian personnel to carry out the functions of the Civilian Conservation Corps. See note for § 1 of the Act.
Do----	383-----	8-----	50	320	16	584g	Obsolete. Provided for enrollments in the Civilian Conservation Corps. See note for § 1 of the Act.
Do----	383-----	9-----	50	320	16	584h	Obsolete. Provided for pay of enrollees of Civilian Conservation Corps. See note for § 1 of the Act.
Do----	383-----	10-----	50	321	16	584i	Obsolete. Provided for subsistence, medical, burial, disability, and death benefits of enrollees in the Civilian Conservation Corps. See note for § 1 of the Act.
June 29	403-----	1 (3d par. on p. 371).	50	371	-----	-----	Superseded. Provided for installment payments of certain D.C. teachers. Superseded by Act of July 31, 1943, ch. 184, § 1, 57 Stat. 322.
Do----	404-----	(3d proviso)-----	50	395	5	520a	Superseded by Act of Sept. 21, 1944, ch. 412, § 705(b), 58 Stat. 742.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1937 July 13	494-----	-----	50	512	5	693b-693d, 698b, 715d, 719a, 2255 note	Superseded. Amended 1930 Civil Service Retirement Act to extend application of the Act to remaining employees in the legislative branch and to certain employees in the judicial branch, with certain limitations and exceptions. Superseded by the Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
Aug. 9	570-----	1 (1st proviso on p. 592).	50	592	43	385	Expired. See note for § 385 of Title 43, U.S.C.
Aug. 19	704-----	6(c)-----	50	707	12	640(c)	Obsolete. Provided that the Acts of Mar. 14, 1936, relating to leave, should not apply to employees of certain corporations under the supervision of the Farm Credit Administration. The Acts of Mar. 14, 1936, were repealed by Act of Oct. 30, 1951, ch. 631, title II, § 207(a) (1), (2), 65 Stat. 682.
Aug. 26	823-----	-----	50	840	33	745 note	Superseded. Authorized Secretary of Commerce to continue the existing system of classification and pay of lighthouse keepers. Superseded by Act of June 29, 1949, ch. 277, § 2, 63 Stat. 299.
Aug. 28	872-----	-----	50	871	-----	-----	Executed. Ratified certain administrative promotions made in the Department of the Interior.
Sept. 1	898-----	501-----	50	915	7	1171	Expired. Authorized the Secretary of Agriculture to appoint and fix the compensation of employees, and make expenditures, necessary to carry out the Sugar Act of 1937. Expired Dec. 31, 1947, pursuant to § 513 of the Act, as amended Dec. 26, 1941, ch. 638, § 1, 55 Stat. 872; June 20, 1944, ch. 266, § 1, 58 Stat. 223; and July 27, 1946, ch. 685, § 1, 60 Stat. 706.
1953 Apr. 4	62-----	1 (1st par. on p. 170).	52	170	-----	-----	Superseded. Provide for installment payments of certain D.C. teachers. Superseded by Act of July 1, 1943, ch. 184, § 1, 57 Stat. 322.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1938 Apr. 25	170-----	-----	53	221	5	118c-1	Obsolete. Provided that payments to employees for losses occasioned by exchange for foreign currency might be made to the General of the Armies appointed pursuant to the Act of Sept. 3, 1919, ch. 56, 41 Stat. 283, for periods of service abroad with the American Battle Monuments Commission. The Act of Sept. 3, 1919, which authorized but one appointment, was repealed by Act of Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 662.
Apr. 27	180-----	1 (4th par. on p. 258).	52	258	5	274	Expired. See note for § 274 of Title 5, U.S.C.
Do-----	180-----	1 (1st full par. on p. 269).	52	269	5	306a	Superseded. Authorized transfer of funds of other agencies to Department of Justice for use in examination of title and prosecution of condemnation proceedings. Superseded by the Act of June 29, 1939, ch. 248, title II, 53 Stat. 899.
Do-----	180-----	1 (words between 3d and 5th commas of 1st par. under "Department of Commerce").	52	269	5	593	Expired. See note for § 593 of Title 5, U.S.C.
May 12	200-----	-----	52	349	16	584g	Obsolete. Provided for appointment of five project assistants for each company of the Civilian Conservation Corps, and for removal of enrollees. See note for Act of June 28, 1937, ch. 383, § 1, 50 Stat. 319.
May 23	259-----	1 (3d proviso on p. 421).	52	421	40	232b	Executed. See note for § 232b of Title 40, U.S.C.
June 16	464-----	(3d proviso)-----	52	711	5	520a	Superseded by Act of Sept. 21, 1944, ch. 412, § 705(b), 58 Stat. 742.
June 23	596-----	-----	52	943	5	736b	Superseded. Amended 1930 Civil Service Retirement Act to provide for credit of service for which deposit is not made, with corresponding reduction in annuity. Superseded by the Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1938							
June 23	600-----	45 ("Sec. 1007")-	52	967	46	1257	Expired. Amended Merchant Marine Act of 1936 to provide for appointment, composition, tenure, pay, travel, conflict of interest, removal, and delegation of functions of Maritime Labor Board. Expired June 24, 1941, pursuant to § 1012 of the Act as enacted by this section, 52 Stat. 969.
June 25	698-----	-----	52	1197	5	693c, 719a	Superseded. Amended 1930 Civil Service Retirement Act to extend retirement eligibility to certain legislative employees. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which has been carried into this revision.
Do----	701-----	-----	52	1198	16	584h	Obsolete. Provided for exemption of enrollees of the Civilian Conservation Corps from the Territories and insular possessions of the United States from making mandatory allotments to dependents. See note for Act of June 28, 1937, ch. 383, § 1, 50 Stat. 319.
June 29	818-----	2-----	52	1247	5	86 note	Executed. Repealed former section 86 of title 5, and provided for repeal of laws inconsistent with § 1 of the Act of which it was a part.
1939							
Apr. 3	36-----	1-12, 21-27-----	53	561-565	5	133-133r	Expired. Authorized the President, within certain limitations, to reorganize the executive branch by submitting reorganization plans to the Congress, to take effect unless disapproved by Congress. Expired Jan. 21, 1941, pursuant to § 12 of the Act.
Do----	36-----	301-----	53	565	-----	-----	Superseded. Provided for appointment and pay of administrative assistants to the President. Superseded by the Act of June 25, 1948, ch. 644, § 1, 62 Stat. 672.
Apr. 12	60-----	-----	53	577	-----	-----	Obsolete. Allowed credit for certain salary payments made to employees of U.S. Employees' Compensation Commission, notwithstanding then-existing law. The then-existing law has expired.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1839							
May 6	115-----	1 (2d proviso on p. 657).	53	657	40	77a	Expired. See note for § 77a of Title 40, U.S.C.
June 5	180-----	3-----	53	809	5	592a-1	Obsolete. Abolished position of one Assistant Secretary in Department of Commerce when vacancy occurred in either existing position of Assistant Secretary. Vacancy occurred in July 1939.
June 6	185-----		53	810	5	93a, 97	Obsolete. Act amending Sundry Civil Appropriation Act of 1912, authorizing certain officers to administer oaths to expense accounts and without additional pay. Oaths are no longer required for expense accounts.
					16	454	
					19	50	
					25	34	
					39	33	
June 27	244-----	5, 6-----	53	856	49	755, 756	Expired. Provided for appointment, details, and pay of instructors, examiners, and experts for pilot training. Expired July 1, 1946, pursuant to § 7 of the Act.
June 29	248-----	(8th par. on p. 896).	53	896	5	274	Expired. See note for § 274 of Title 5, U.S.C.
Do-----	248-----	(words between 5th and 7th commas of 1st par. under "Department of Commerce").	53	907	5	593	Expired. See note for § 593 of Title 5, U.S.C.
June 30	253-----	(2d proviso on p. 940).	53	940	5	520a	Superseded by Act of Sept. 21, 1944, ch. 412, § 705(b), 58 Stat. 742.
July 14	266-----		53	1000			Executed. Gave relief to certain officers of United States for disallowance and charges on expense accounts for airplane travel prior to Dec. 10, 1935.
July 15	281-----	1 (4th par. on p. 1017).	53	1017			Superseded. Provided for installment payments of certain D.C. teachers. Superseded by Act of July 1, 1943, ch. 184, § 1, 57 Stat. 322.
Aug. 4	426-----		53	1200	5	693, 698, 710, 719	Superseded. Amended 1930 Civil Service Retirement Act to exclude certain employees from coverage; authorize extension of coverage; change the computation of annuity; alter time limit for claims; and authorize deposit for voluntary annuity. Superseded by the Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1939							
Aug. 5	430-----	-----	53	1203	48	1405y	Superseded. See note for § 1405y of Title 48, U.S.C.
Aug. 7	553-----	-----	53	1253	16	584,584l	Executed. Extended the life of the Civilian Conservation Corps, and authorized an official seal. See note for Act of June 28, 1937, ch. 383, § 1, 50 Stat. 319.
Aug. 10	641-----	-----	53	1343	5	680	Obsolete. Provided that no claims for additional compensation for services rendered between July 1, 1917, and June 30, 1924, should be considered unless presented within 6 months from Aug. 10, 1939. Now covered by statute of limitations.
Do-----	664-----	4-----	53	1354	-----	-----	Superseded. Provided compensation of commissioner of Real Estate Commission of the District of Columbia. Superseded by Act of July 14, 1956, ch. 590, § 1, 70 Stat. 532.
Aug. 11	700-----	-----	53	1417	5	514c	Obsolete. See note for § 514c of Title 5, U.S.C.
1940							
Mar. 2	33-----	-----	54	38	5	31b	Superseded. Provided that days of annual and sick leave should include only workdays. Superseded by Act of Oct. 30, 1951, ch. 631, title II, § 205(a), 65 Stat. 681, 5 U.S.C. 2064(a).
Mar. 6	47-----	1-----	54	47	16	832a	Superseded. Provided for appointment, duties, and pay of assistant administrator, chief engineer, and general counsel of the Bonneville project. Superseded by Act of Oct. 23, 1945, ch. 433, § 5, 59 Stat. 547.
Mar. 25	71-----	(2d proviso on p. 57).	54	57	40	77a	Expired. See note for § 77a of Title 40, U.S.C.
Apr. 11	79-----	2-----	54	105	5	791a	Executed. Validated prior workmen's compensation awards to employees of Menominee Indian Reservation and limited time for filing of claims incurred after July 28, 1938. Rights to prior awards have vested and the time for filing claims expired Apr. 11, 1941.
Apr. 18	107-----	1 (85 words before 2d semicolon on p. 121).	54	121	5	834	Expired. See note for § 834 of Title 5, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1940 Apr. 20	118-----	2, 3-----	54	144	-----	-----	Obsolete. Authorized retired officers to elect certain additional benefits within 6 months of the effective date of the Act, and prescribed the effective date.
Apr. 30	160-----	-----	54	169	46	382c	Obsolete. Authorized Secretary of Commerce to rearrange the location of boards of local inspectors by consolidation, abolishment, etc. The boards were abolished by 1946 Reorg. Plan No. 3, §§ 101-104, July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.
May 14	189-----	(1st 2 provisos on p. 191).	54	191	22	268a	Expired. See note for § 268a of Title, 22 U.S.C.
Do-----	189-----	(4th par. on p. 192).	54	192	5	274	Expired. See note for § 274 of Title 5, U.S.C.
Do-----	189-----	(words between 4th and 8th commas of last par. on p. 192).	54	192	5	593	Expired. See note for § 593 of Title 5, U.S.C.
May 24	209-----	3-----	54	220	48	1392a	Superseded. See note for § 1392a of Title 48, U.S.C.
June 4	231-----	1-----	54	230	5	133v	Executed. Provided effective date for 1940 Reorg. Plan No. V. Has no prospective effect.
Do-----	231-----	3-----	54	231	5	133x	Executed. Provided that appropriations made after the effective date of 1940 Reorg. Plan No. V, for functions transferred thereby should be considered to have been made before its effective date; and that functions conferred on the Secretary of Labor, with respect to immigration and naturalization laws, by an Act of Congress enacted between June 14, 1940, and the end of that session, should be considered to be conferred on the Attorney General. The only law affected was the Act of June 26, 1940, ch. 428, 54 Stat. 576, 577, whose pertinent provisions were effective only for fiscal 1941.
Do-----	231-----	4-----	54	231	5	133u	Executed. Provided effective date for 1940 Reorg. Plans Nos. III and IV. Has no prospective effect.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1940							
June 12	333-----	1 (4th full par. on p. 319).	54	319			Superseded. Provided for installment payments of certain D.C. teachers. Superseded by Act of July 1, 1943, ch. 184, § 1, 57 Stat. 322.
June 13	348-----		54	383	16	584d	Obsolete. Provided that certain officers of the Civilian Conservation Corps shall have powers of notaries public in administration of oaths, execution and acknowledgment of legal instruments, etc. See note for Act of June 28, 1937, ch. 383, § 1, 50 Stat. 319.
June 25	421-----	1 (3d proviso)---	54	532	5	520a	Superseded by Act of Sept. 21, 1944, ch. 412, § 705(b), 58 Stat. 742.
June 26	430-----	1 (1st proviso)---	54	599			Obsolete. Authorized agency heads, until end of the then-existing emergency, to appoint dollar-a-year men. The emergency was declared at an end, Proc. No. 2974, Apr. 29, 1952, 17 F.R. 3813, 66 Stat. c31.
July 2	516-----	3-----	54	724	20	79b	Obsolete. Provided for appointment, term, vacancies, and travel expenses of Board of Directors of Canal Zone Biological Area. Canal Zone Biological Board of Directors was abolished and functions transferred to Smithsonian Institution by 1946, Reorg. Plan No. 3, § 801, 11 F.R. 7875, eff. July 16, 1946, 60 Stat. 1097.
July 8	551-----	3-----	54	744	5	103a note	Executed. Provided effective date for the Act of which it was a part.
Sept. 16	720-----	10-----	54	893	50A	310	Expired. Authorized the President to establish the Selective Service System, and provided for appointment, duties, and pay of employees to carry out the act of which this section is a part. Expired Mar. 31, 1947, pursuant to § 16 of the Act, as amended May 9, 1945, ch. 112, § 1, 59 Stat. 166; May 14, 1946, ch. 253, § 1, 60 Stat. 181; and June 29, 1946, ch. 522, § 7, 60 Stat. 342.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1940 Oct. 14	859		54	1116	5	707, 745f note 22 21 note 48 1371f note	Superseded. Amended the 1930 Civil Service Retirement Act, and other retirement Acts, to amend the definition of creditable service. Superseded by the Acts of Aug. 13, 1946, ch. 957, 60 Stat. 999; and July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743.
Oct. 21	903		54	1205	5	911 note	Expired. Provided for overtime pay for certain employees of War Department and Canal Zone. Expired Apr. 30, 1943, pursuant to § 2 of the act, as amended July 3, 1942, ch. 482, 56 Stat. 645; Oct. 2, 1942, ch. 577, 56 Stat. 765; and Dec. 22, 1942, ch. 798, 56 Stat. 1068.
Do.	906		54	1206	16	584g	Provided for preference for Indian enrollees in Civilian Conservation Corps. See note for Act of June 28, 1937, ch. 383, § 1, 50 Stat. 319.
Nov. 26	919	8	54	1216	5	632, 635	Obsolete. Provided for pay of Civil Service Commissioners, Executive Director, and Chief Examiner. Pay of Civil Service Commissioners was fixed by § 303 (c), (d) of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 417, 419, which is carried into this revision. Position of Executive Director and Chief Examiner was abolished by § 4 of 1949 Reorg. Plan No. 5, eff. Aug. 19, 1949, 14 F.R. 5227, 63 Stat. 1067.
1941 Apr. 5	40	1 (84 words before 2d semicolon under "Federal Housing Administration").	55	100	5	834	Expired. See note for § 834 of Title 5, U.S.C.
Apr. 11	64	1	55	134			Executed. Extended Bituminous Coal Act of 1937 until Apr. 26, 1943. Expired pursuant to Act of May 21, 1943, ch. 97, 57 Stat. 84, effective Aug. 24, 1943.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1941 Apr. 11	64-----	2-----	55	134	15	852	Expired. Provided for appointment, duties, and pay of Coal Consumers Counsel, attorney, etc., and other personnel. Expired Aug. 24, 1943, under Acts of Apr. 26, 1937, ch. 127, § 19, 50 Stat. 90; Apr. 11, 1941, ch. 64, § 1(a), 55 Stat. 134; Apr. 24, 1943, ch. 68, 57 Stat. 68; and May 21, 1943, ch. 97, 57 Stat. 82.
Do-----	69-----	-----	55	136	-----	-----	Superseded. Provided relief for disbursing officers, certifying officers, and payees in respect of certain payments made in contravention of appropriation restrictions regarding citizenship status. Superseded by the Act of May 2, 1942, ch. 277, 56 Stat. 266.
May 31	156-----	1 (last proviso on p. 214).	55	214	40	77a	Expired. See note for § 77a of Title 40, U.S.C.
June 3	168-----	-----	55	241	5	911 note	Expired. Authorized overtime pay for certain employees of the field service of War Department, Panama Canal, Navy Department, and Coast Guard. Expired Apr. 30, 1943, pursuant to § 4 of the Act, as amended by Acts of July 3, 1942, ch. 482, 56 Stat. 645; Oct. 2, 1942, ch. 577, 56 Stat. 765; and Dec. 22, 1942, ch. 798, 56 Stat. 1068.
June 9	189-----	-----	55	247	3	1 note	Obsolete. Provided for appointment and pay of Director of Office of Government Reports. Consolidated into Office of War Information by E.O. 9182, June 13, 1942, 7 F.R. 4468. The Office of War Information was abolished by E.O. 9608, Aug. 31, 1945, 10 F.R. 11223.
June 28	258-----	(1st full par. on p. 277).	55	277	5	274	Expired. See note for § 274 of Title 5, U.S.C.
Do-----	258-----	(words between 4th and 8th commas of 3d full par. on p. 277).	55	277	5	593	Expired. See note for § 593 of Title 5, U.S.C.
Do-----	259-----	1 (1st proviso on p. 306).	55	306	5	499	Expired. Limited cost of construction for soil conservation program. See note for § 499 of Title 5, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1941 June 28	259-----	5-----	55	360	5	73c-2	Obsolete. Made available appropriations for travel and for expenses of transfer of household effects. The Act of Aug. 2, 1946, ch. 744, § 2, 60 Stat. 807, repealed Act of Oct. 10, 1940, ch. 848, 54 Stat. 1105, which related to transportation of household goods and personal effects of civilian employees.
July 1	267-----	1 (3d proviso)---	55	408	5	520a	Superseded by Act of Sept. 21, 1944, ch. 412, § 705(b), 58 Stat. 742.
Do-----	270-----	1-----	55	498	15	713	Executed. Extended life of Commodity Credit Corporation to June 30, 1943. Commodity Credit Corporation terminated June 30, 1948.
Do-----	271-----	1 (3d full par. on p. 512).	55	512	-----	-----	Superseded. Provided for installment payments of certain D.C. teachers. Superseded by Act of July 1, 1943, ch. 184, § 1, 57 Stat. 322.
Aug. 21	385-----	-----	55	654	50A	1156	Executed. Permitted reemployment by Federal Bureau of Investigation of persons retired under Civil Service Retirement Act, to be continued in service not later than June 30, 1942.
Nov. 21	494-----	-----	55	779	-----	-----	Obsolete. Authorized transportation of employees of the Alaska Road Commission, and validated certain prior payments to employees.
Dec. 18	593-----	(less §§ 301 and 303).	55	838	50A	601-605, 611, 617, 621, 622	Obsolete. Authorized President to reorganize executive bureaus, etc. Expired Dec. 31, 1946, by Proc. No. 2714, pursuant to § 401 of the Act.
Dec. 26	637-----	-----	55	872	48	1405s	Superseded. See note for § 1405s of Title 48, U.S.C.
1942 Jan. 24	16-----	-----	56	13	5	691, 693, 698, 715, 718a, 719, 724, 733, 736b	Superseded. Amended 1930 Civil Service Retirement Act generally relating to eligibility; optional and automatic retirement and exception minimum, deferred and immediate annuities, salary deductions, etc. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1942 Jan. 30	26-----	2-----	56	24	50A	902	Obsolete. Provided for establishment of price ceilings and appointment of industry Advisory Committee by Price Administrator. Expired June 30, 1947, by terms of Act of July 25, 1946, ch. 671, § 1, 60 Stat. 664.
Do....	26-----	4(c)-----	56	28	50A	904	Obsolete. Prohibited disclosure or use of certain information except in official duty by employees. See note for § 2 of the Act.
Do....	26-----	201-----	56	29	50A	921	Obsolete. Provided for appointment and pay of Price Administrator; appointment and pay of personnel; detail; and prohibition on transfer of powers. Office of Price Administration was abolished, no later than June 30, 1942, by Act of July 25, 1946, ch. 671, § 3, 60 Stat. 664.
Do....	26-----	202-----	56	30	50A	922	Executed. Authorized Price Administrator to administer oaths, etc., and prohibited him from disclosing certain confidential information. See note for § 201 of the Act.
Feb. 7	46-----	101 (1st proviso on p. 58).	56	58	5	457a	Expired. Authorized detail of naval officers to Hydrographic Office. Temporary legislation which expired at end of fiscal year. It was not repeated in subsequent appropriation Acts.
Mar. 7	166-----	2 (b), (c) [added].			50A	1002	Executed. See note for § 1002 of Title 50A, U.S.C.
Do....	166-----	15-----	56	147	50A	1015	Executed. See note for § 1015 of Title 50A, U.S.C.
Do....	166-----	16-----	56	147	5	691, 693, 715	Superseded. Amended 1930 Civil Service Retirement Act to alter provisions relating to separation of certain officers and application of act. Superseded by § 401, Title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
					50A	1016	
Do....	166-----	17-----	56	148	50A	1017	Executed. See note for § 1017 of Title 50A, U.S.C.
Do....	166-----	19 [added].			50A	1001 note	Executed. Provided short title for the Missing Persons Act.
Mar. 10	178-----	1 (2d proviso on p. 152).	56	152	40	77a	Expired. See note for § 77a of Title 40, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1942 Mar. 27	199-----	801-----	56	181	50A	638	Obsolete. Authorized use of Civilian Conservation Corps by Federal Security Agency. See note for Act of June 28, 1937, ch. 383, § 1, 50 Stat. 319.
Apr. 28	246-----	6-----	56	225	5	81a	Obsolete. Required approval of Secretary of War for purchase or exchange of motor vehicle. Omitted on authority of War Department Circular No. 166.
May 2	277-----		56	266			Executed. Provided relief for disbursing officers, certifying officers, and payees in respect of certain payments made in contravention of appropriation restrictions regarding citizenship status; provided for refunds of amounts collected and for payment for prior services rendered. The rights granted by the Act are matured rights which are preserved by technical § 8 of this bill.
June 11	404-----	1-----	56	351	50A	1101	Obsolete. Authorized appointment of a deputy by Chairman of War Production Board, and prescribed duties of Chairman. E.O. 9638, Oct. 4, 1945, provided for termination of War Production Board on Nov. 3, 1945.
Do-----	404-----	4-----	56	353	50A	1104	Expired. Created the Smaller War Plants Corporation, provided for appointment, duties, and powers of its Board of Directors; and made certain frauds on the Corporation criminal. Expired Dec. 31, 1946, pursuant to subsec. (d), as amended by the Act of Apr. 27, 1945, ch. 98, 59 Stat. 95.
June 23	444-----	1 (last par. on p. 389).	56	389	50A	1002 note	Executed. Provided that certain appropriations for the Navy were available for payments under the Missing Persons Act.
June 27	450-----	1 (85 words before 2d semicolon under "Federal Housing Administration").	56	401	5	834	Expired. See note for § 834 of Title 5, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1942 June 27	452-----	1 (6th full par. on p. 435).	56	435	-----	-----	Superseded. Provided for installment payments of certain D.C. teachers. Superseded by Act of July 1, 1943, ch. 184, § 1, 57 Stat. 322.
Do-----	454-----	-----	56	461	-----	-----	Executed. Continued Federal Surplus Commodities Corporation until June 30, 1945.
July 2	472-----	(1st full par. on p. 480).	56	480	5	274	Expired. See note for § 274 of Title 5, U.S.C.
Do-----	472-----	(words between 4th and 8th commas of 1st par. under "Department of Commerce").	56	489	5	593	Expired. See note for § 593 of Title 5, U.S.C.
Do-----	473-----	1 (1st proviso on p. 508).	56	508	5	499	Expired. Limited cost of construction for soil conservation program. See note for § 499 of Title 5, U.S.C.
Do-----	473-----	5-----	56	561	5	73c-2	Obsolete. Made available travel appropriation for expenses of transfer of household goods. The Act of Aug. 2, 1946, ch. 744, § 2, 60 Stat. 807, repealed the Act of Oct. 10, 1940, ch. 848, 54 Stat. 1105, which related to transportation of household goods and personal effects of civilian employees.
July 3	482-----	-----	56	645	5 50A	911 note Note prec. 1511	Expired. Extended period for which overtime pay of certain employees could be paid until Sept. 30, 1942. Expired Apr. 30, 1943, by terms of joint resolution of Dec. 22, 1942, ch. 798, § 1, 56 Stat. 1068.
July 22	516-----	1 (2d proviso on p. 665).	56	665	5	520a	Superseded by Act of Sept. 21, 1944, ch. 412, § 705(b), 58 Stat. 742.
Do-----	516-----	1 (4th proviso on p. 699).	56	699	5	547	Expired. See note for § 547 of Title 5, U.S.C.
Oct. 2	577-----	-----	56	765	5	911 note	Expired. Extended period for which overtime pay could be paid to certain employees until Nov. 30, 1942. Expired Apr. 30, 1943, by joint resolution of Dec. 22, 1942, ch. 798, § 1, 56 Stat. 1068.
Oct. 9	584-----	1-----	56	778	48	366 note	Executed. Abolished certain land offices in Alaska.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1942 Oct. 9	584-----	2-----	56	779	48	352	Obsolete. Provided for performance of duties of certain registers of land offices, and covered one register into the competitive civil service. See note for R.S. § 2234.
Do-----	584-----	3-----	56	779	48	366a	Obsolete. Authorized Secretary of the Interior to appoint employees to act as registers in Alaska. See note for R.S. § 2234.
Dec. 18	766-----	2-----	56	1058	22	661	Expired. Provided for appointment, tenure, pay, and powers of American Mexican Claims Commission; and appointment and pay of personnel. Expired Apr. 4, 1947, by terms of Act of Apr. 3, 1945, ch. 52, § 5, 59 Stat. 50.
Dec. 22	798-----	1-----	56	1068	5	911 note	Executed. Extended period for overtime pay of certain employees until Apr. 30, 1943.
Do-----	798-----	2-----	56	1069	5	911 note	Expired. Provided for reduction in force in the executive branch. Expired Apr. 30, 1943, pursuant to § 4 of the Act.
Do-----	798-----	3, 4-----	56	1069	-----	-----	Executed. Provided for a temporary suspension of the Saturday half-holiday law, and provided effective date of the Act of which it was a part.
Dec. 24	828-----	1 (5th par.)-----	56	1093	50A	1015	Executed. See note for § 1015 of Title 50A, U.S.C.
Do-----	828-----	2-----	56	1093	50A	1003 note	Executed. Provided effective date for Act of which it was a part.
1945 Mar. 31	30-----	101 (last 32 words of 2d par. under "Coast Guard").	57	55	42	70	Expired. See note for § 70 of Title 42, U.S.C.
Apr. 1	32-----	-----	57	57	-----	-----	Expired. Provided a temporary pay increase to certain District of Columbia government employees and White House Police. Expired June 30, 1945, pursuant to § 2 of the Act, as amended.
Apr. 29	82-----	3-----	57	71	50A	1351 note	Expired. Limited use of funds for employment, allowances, etc. Expired Jan. 30, 1948, by virtue of Act of May 26, 1947, ch. 82, Title I, § 101, 61 Stat. 109.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1943 May 7	93-----	-----	57	75	50A	1401-1415	Expired. Provided for over-time pay for certain employees of the United States and the District of Columbia. Expired June 30, 1945, pursuant to § 14 of the Act.
June 15	126-----	9-----	57	155	50A	1459	Expired. Provided for appointment of advisory committee on nurses training. Expired pursuant to § 10 of the Act on termination of World War II. World War II was proclaimed at an end Dec. 31, 1946, by Proc. No. 2714, 12 F.R. 1.
June 19	132-----	-----	57	159	-----	-----	Obsolete. Provided for appointment, pay, travel, etc., of personnel to participate in the Emergency Advisory Committee for Political Defense. Committee ceased to exist for lack of appropriations following fiscal 1948.
June 25	144-----	7(c)-----	57	166	50A	1507	Expired. Provided for disqualification of member of National War Labor Board in any decision where there is a conflict of interest. Expired 6 months after cessation of hostilities pursuant to § 10 of the Act. Hostilities terminated on Dec. 31, 1946, by Proc. No. 2714, 12 F.R. 1.
June 26	145-----	101 (85 words before 2d semicolon on p. 187).	57	187	5	834	Expired. See note for § 834 of Title 5, U.S.C.
Do-----	147-----	101 (29 words before 8th semicolon in par. beginning "Pay and allowances").	57	210	42	70	Expired. See note for § 70 of Title 42, U.S.C.
June 30	179-----	(last proviso on p. 260).	57	260	40	77a	Expired. See note for § 77a of Title 40, U.S.C.
July 1	182-----	(par. beginning on p. 282 and ending on p. 283).	57	282	5	274	Expired. See note for § 274 of Title 5, U.S.C.
Do-----	182-----	(5th proviso on p. 288).	57	288	5	342f	Superseded. Provided for employment of interpreters in the Immigration and Naturalization Service. Superseded by Act of July 28, 1950, ch. 503, § 6, 64 Stat. 380.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Vol- ume	Page	Title	Section	
1943							
July 1	182-----	(words between 1st and 5th commas of 1st par. under "Department of Commerce").	57	290	5	593	Expired. See note for § 593 of Title 5, U.S.C.
July 12	215-----	1 (2d proviso)---	57	392	5	520a	Superseded by Act of Sept. 21, 1944, ch. 412, § 705(b), 58 Stat. 742.
Do----	219-----	6-----	57	493	5	73f	Expired. Provided for travel expenses to and from Alaska of new appointees of Department of Interior. See note for § 73f of Title 5, U.S.C.
July 16	241-----	1-----	57	566	15	713	Executed. Extended Commodity Credit Corporation to Dec. 31, 1943. Commodity Credit Corporation terminated June 30, 1948.
Sept. 29	249-----	1-----	57	569			Superseded. Fixed pay of Recorder of Deeds, District of Columbia. Superseded by Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
Do----	249-----	2-----	57	569			Superseded. Fixed pay of the Superintendent of the National Training School for Girls. Superseded by Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
Dec. 5	342-----	2-----	57	597	50A	310	Expired. Amended Selective Service Training Act to provide for appointment and pay of local boards and personnel. Expired Mar. 31, 1947, pursuant to the Act of Sept. 16, 1940, ch. 720, § 17, 54 Stat. 897, as amended.
Do----	342-----	3-----	57	598	50A	310	Expired. Amended Selective Service Training Act to provide delegation of authority to and by Director of Selective Service. Expired Mar. 31, 1947; see note for § 2 of the Act.
Do----	342-----	4-----	57	598	50A	310	Expired. Amended Selective Service Training Act to provide for appointment of commission of physicians. Expired Mar. 31, 1947; see note for § 2 of the Act.
1944							
Feb. 28	71-----	1-----	58	105	15	713	Executed. Extended life of Commodity Credit Corporation to June 30, 1945. Commodity Credit Corporation terminated June 30, 1948.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1944 Apr. 4	163		58	189			Obsolete. Exempted certain employees of the Office of Price Stabilization from criminal provisions relating to conflicts of interest. The Office of Price Administration was consolidated into the Office of Temporary Controls by E.O. 9809, Dec. 12, 1946. The Office of Temporary Controls was terminated by E.O. 9841, Apr. 23, 1947, effective June 1, 1947.
Apr. 22	175	1 (last proviso on p. 204)	58	204	40	77a	Expired. See note for § 77a of Title 40, U.S.C.
Apr. 24	177	1, 2	58	215	45	79a	Obsolete. Provided that pay of registers of district land office should be under Classification Act. See note for R.S. § 2234.
June 22	269	101 (29 words before 8th semicolon in par. beginning "Pay and allowances").	58	315	42	70	Expired. Authorized Secretary of the Navy to prescribe per diem allowances for Public Health Service officers detailed to the Coast Guard. See note for § 70 of Title 42, U.S.C.
Do	269	113	58	321	5	415a	Expired. Provided for employment of additional civilian personnel and necessary travel expenses for recruitment. See note for § 415a of Title 5, U.S.C.
June 26	274		58	326	5	719b, 729a	Superseded. Amended 1930 Civil Service Retirement Act to waive recovery of erroneous annuity payments made in good faith, and to authorize withholding employee contributions from certain employees in the legislative branch. Superseded by the Act of July 31, 1956, ch. 804, Title IV, § 401, 70 Stat. 743, which is carried into this revision.
Do	276		58	334	5	724	Superseded. Provided that fractions of months should be disregarded in computation of interest on contributions to Civil Service Retirement Fund returned to employees upon separation from service. Superseded by § 401, Title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1944 June 27	286-----	101 (85 words before 2d semicolon on p. 377).	58	377	5	834	Expired. See note for § 834 of Title 5, U.S.C.
Do....	286-----	202(b)-----	58	385	5	77a	Superseded. Restricted use of Government-owned or leased motor vehicles. Superseded by Act of Aug. 2, 1946, ch. 744, § 16(a), 60 Stat. 810.
Do....	287-----	1-----	58	387	5	851 note	Unnecessary. Established short title for Veterans' Preference Act of 1944, which is carried into this revision.
Do....	287-----	17-----	58	391	5	866	Unnecessary. Defined "Civil Service Commission." Unnecessary in view of the provisions of this revision.
Do....	287-----	18-----	58	391	5	867	Executed. Continued existing rights of preference eligibles. Covered by technical § 8 of this bill.
Do....	287-----	21-----	58	391	5	851 note	Executed. Provided for separability if part of the Act held unconstitutional. Covered by technical § 7 of this bill.
June 28	294-----	101 (1st full par. on p. 407).	58	407	5	274	Expired. See note for § 274 of Title 5, U.S.C.
Do....	294-----	201 (1st proviso on p. 413).	58	413	5	342f	Superseded. Authorized employment of aliens as interpreters in Immigration and Naturalization Service. Superseded by Act of July 28, 1950, ch. 503, § 6, 64 Stat. 380.
Do....	295-----	-----	58	425	5	724	Superseded. Amended 1930 Civil Service Retirement Act to limit interest on employee refund claims. Superseded by § 401, Title IV, of Act of July 31, 1956, ch. 804, 70 Stat. 743.
Do....	296-----	1 (2d proviso)---	58	426	5	520a	Superseded by Act of Sept. 21, 1944, ch. 412, § 705(b), 58 Stat. 742.
Do....	296-----	1 (1st proviso on p. 438).	58	438	5	565	Expired. Established construction limitations on buildings of Bureau of Entomology and Plant Quarantine, Department of Agriculture. See note for § 565 of Title 5, U.S.C.
Do....	296-----	1 (proviso on p. 441).	58	441	5	568	Expired. Established construction limitations on buildings of Bureau of Agriculture and Industrial Chemistry, Department of Agriculture. See note for § 568 of Title 5, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1944 June 28	298-----	6-----	58	507	5	73f	Expired. Provided for travel expenses to and from Alaska for new appointees of Department of Interior. See note for § 73f of Title 5, U.S.C.
Do-----	300-----	1 (last proviso on p. 521).	58	521	-----	-----	Superseded. Fixed pay of the Superintendent of the National Training School for Girls. Superseded by Act of Oct. 23, 1949, ch. 782, 63 Stat. 954.
July 1	358-----	4 (a)-----	58	651	41	104	Obsolete. Provided for appointment, pay, and term of Director of Contract Settlement. The Office of Contract Settlement was abolished by 1947 Reorg. Plan No. 1, eff. July 1, 1947, 12 F.R. 4534, 61 Stat. 951.
Do-----	371-----	7-----	58	681	50A	1001 note	Unnecessary. Provided short title for the Missing Persons Act.
Do-----	371-----	8-----	58	681	50A	1001 note	Executed. Provided effective date for amendments to the Missing Persons Act.
Do-----	373-----	605(d)-----	58	713	5	800	Executed. Continued existing benefits for survivors of Public Health Service officers who died between Dec. 7, 1941, and Nov. 11, 1943. Existing rights are preserved by technical § 8 of this bill.
Sept. 21	412-----	401(d)-----	58	738	5	541a	Superseded. Provided for mileage allowance for employees of the Department of Agriculture using privately owned autos. Superseded by the Act of June 9, 1949, ch. 185, 63 Stat. 166.
Do-----	412-----	705(a)-----	58	742	5	514d	Obsolete. See note for § 514d of Title 5, U.S.C.
Do-----	412-----	706(b)-----	58	742	5	541b	Superseded. Authorized travel allowances for persons serving in an advisory capacity to the Department of Agriculture. Superseded by the Act of Aug. 2, 1946, ch. 744, § 5, 60 Stat. 808.
Do-----	412-----	710-----	58	743	5	514d	Obsolete. See note for § 514d of Title 5, U.S.C.
Sept. 30	450-----	-----	58	758	50A	1403	Obsolete. Amended War Overtime Pay Act of 1943 to provide for additional pay in lieu of overtime. See note for Act of March 24, 1943, ch. 93, 57 Stat. 75.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1944 Oct. 2	478		58	765			Obsolete. Exempted certain employees of National War Labor Board from certain conflict of interest provisions of the Criminal Code. National War Labor Board was terminated Dec. 31, 1945, by E.O. 9672.
Oct. 3	480	101	58	785	50A	1651	Expired. Established Office of War Mobilization and Reconversion; and provided for appointment and pay, and other duties of its Director and other personnel. Expired June 30, 1947, pursuant to § 603 of the Act.
Do.	480	102	58	786	50A	1652	Expired. Provided for appointment of advisory board to the Office of War Mobilization and Reconversion. See note for § 101 of the Act.
Do.	480	301	58	788	50A	1661	Expired. Established Retraining and Reemployment Administration, and provided for appointment and pay of Administrator. See note for § 101 of the Act.
Do.	480	303	58	789	50A	1663	Expired. Authorized appointment and pay of employees of the Retraining and Reemployment Administration. See note for § 101 of the Act.
Dec. 7	520		58	796	5	911 note	Executed. Released liability for certain overpayments and authorized refunds of amounts already repaid to United States.
Dec. 19	606		58	815	5	715	Superseded. Amended 1930 Civil Service Retirement Act to preserve, during reemployment or continuation in service, rights of annuitant's beneficiary and pay deductions. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
Dec. 23	708		58	915	43	411b	Superseded. Made special provision for employment of retired personnel of Department of Interior as consultants. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1944 Dec. 23	710		58	916			Executed. Authorized increased pay for certain employees of The Alaska Railroad for the period May 1 to Sept 30, 1943.
Do.	726		58	926	5	731	Executed. Authorized deferring the regular 5-year valuation of the Civil Service Retirement Fund for the duration of World War II.
Do.	728		58	927	5	714	Superseded. Amended 1930 Civil Service Retirement Act to provide for adjustment of workmen's compensation in cases covered by disability annuity. Superseded by § 401, Title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
1945 Apr. 3	52	5	59	50	22	661	Expired. Provided for term of office of members of the American Mexican Claims Commission. See note for Act of Dec. 18, 1942, ch. 766, § 2, 56 Stat. 1058.
Apr. 12	54	5	59	51	15	713	Executed. Continued Commodity Credit Corporation until June 30, 1947. The Corporation was terminated June 30, 1948.
Apr. 24	92	(last proviso on p. 64).	59	64	40	77a	Expired. See note for § 77a of Title 40, U.S.C.
May 3	106	101 (97 words before 2d semicolon under "Federal Housing Administration").	59	123, 124	5	834	Expired. See note for § 834 of Title 5, U.S.C.
Do.	106	202(b)	59	132	5	77a	Superseded. Restricted use of Government-owned or leased motor vehicles. Superseded by Act of Aug. 2, 1946, ch. 744, § 16(a), 60 Stat. 810.
May 21	129	101 (2d full par. on p. 181).	59	181	5	274	Expired. See note for § 274 of Title 5, U.S.C.
Do.	129	201 (2d proviso on p. 186).	59	186	5	342f	Superseded. Authorized employment of aliens as interpreters in Immigration and Naturalization Service. Superseded by Act of July 28, 1950, ch. 503, § 6, 64 Stat. 380.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1945 May 29	130-----	101 (29 words before 8th semicolon in par. beginning "Pay and allowances").	59	215, 216	42	70	Expired. Authorized Secretary of the Navy to prescribe per diem allowance for Public Health Service officers detailed to the Coast Guard. See note for § 70 of Title 42, U.S.C.
Do-----	130-----	113-----	59	221	5	415a	Expired. Provided for appointment of additional employees and overall limitation. See note for § 415a of Title 5, U.S.C.
June 9	180-----	-----	59	235	-----	-----	Obsolete. Exempted members of advisory board under War Mobilization and Reconversion Act of 1944 from laws relating to conflict of interests, etc. The authority to appoint the board expired June 30, 1947, pursuant to the Act of Oct. 3, 1944, ch. 480, Title VI, § 603, 58 Stat. 792.
June 30	209-----	1 (1st proviso on p. 285).	59	285	-----	-----	Superseded. Fixed pay of the Superintendent of the National Training School for Girls. Superseded by Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
Do-----	212-----	101(c) (less applicability to the legislative branch).	59	296	5	901	Obsolete. Provided that Title V of the Act of which it is a part should apply to certain employees in the judicial branch. The only part of the title which applied to judicial employees were § § 521, 522 (see below).
Do-----	212-----	521-----	59	301	5	934	Superseded. Provided pay increases for certain employees in the judicial branch. Superseded by Act of June 25, 1948, ch. 646, 62 Stat. 869.
Do-----	212-----	522-----	59	302	5	935	Superseded. Authorized additional pay in lieu of overtime pay for certain employees in the judicial branch for the period from July 1, 1945, to June 30, 1947. Superseded by Act of May 24, 1946, ch. 270, § 6(c), 60 Stat. 217.
Do-----	212-----	602-----	59	302	5	942	Obsolete. Authorized pay increases equivalent to those prescribed by § 405 of the Act for employees paid under the Act of Feb. 5, 1917, ch. 29, § 24, 39 Stat. 893; for employees paid under the Act of May 29, 1928, ch. 865, 45

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
							Stat. 955; and for certain employees in the executive branch of the United States and the government of the District of Columbia. The laws referred to were repealed by the Acts of Oct. 28, 1949, ch. 782, Title XII, § 1202, 63 Stat. 972; June 27, 1952, ch. 477, Title IV, § 403(a)(13), 66 Stat. 279; and Sept. 3, 1954, ch. 1263, § 13(b), 68 Stat. 1231.
1945 June 30	212-----	604(c) (1st sentence).	59	303			Executed. Repealed existing law.
Do---	212-----	608-----	59	305	5	948	Obsolete. See note for § 948 of Title 5, U.S.C.
Do---	212-----	610-----	59	306	5	901 note	Executed. Provided effective date of Act of which it was a part.
July 3	262-----	6-----	59	359	5	73f	Executed. Provided for travel expenses to and from Alaska for new appointees of the Department of the Interior. See note for § 73f of Title 5, U.S.C.
July 5	270-----		59	411			Expired. Provided for appointment and pay of Superintendent of Gallinger Municipal Hospital. Expired, pursuant to § 3 of the Act, 6 months after termination of World War II.
July 28	328-----	5(a)-----	59	504	5	760, 761, 770 notes	Executed. Provided for retrospective application of §§ 1, 2, and 3 of the Act, which are carried into this revision.
Sept. 18	368-----		59	533	50A	1614a, 1614b	Obsolete. Established Surplus Property Administration, replacing Surplus Property Board, and provided for appointment, pay, and functions of Administrator. The Surplus Property Administration was succeeded by the War Assets Administration under E.O. 6989, Jan. 31, 1946, 11 F.R. 1265; E.O. 9707, Mar. 25, 1946, 11 F.R. 3149; 1947 Reorg. Plan No. 1, §§ 501, 502, eff. July 1, 1947, 12 F.R. 4535, 61 Stat. 952; and the Federal Property and Administrative Services Act of 1949, June 30, 1949, ch. 288, 63 Stat. 399.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Vol- ume	Page	Title	Section	
1945 Nov. 9	456-----	-----	59	577	5	698, 707, 713, 719, 724, 733, 733b	Superseded. Amended 1930 Civil Service Retirement Act to protect retirement rights of persons leaving government service to enter the Armed Forces, and changed date of compounding interest from June 30 to Dec. 31. Superseded by the Act of July 31, 1956, ch. 804, Title IV, § 401, 70 Stat. 743.
Nov. 21	489-----	-----	59	584	5	61a-1	Obsolete. See note for § 61a-1 of Title 5, U.S.C.
Dec. 20	582-----	-----	59	613	5	133y-133y- 16	Expired. Authorized the President, by reorganization plan, to reorganize the executive branch. Expired Apr. 1, 1948, pursuant to § 5(f) of the Act.
Dec. 21	584-----	-----	59	621	5	707	Superseded. Amended 1930 Civil Service Retirement Act as to computation of length of service for periods of separation. Superseded by § 401, Title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
1946 Feb. 12	6-----	1(b)-----	60	5	50A	1012 note	Executed. Provided effective date for § 1 of the Act.
Mar. 28	113-----	202(b)-----	60	79	5	77a	Superseded. Restricted use of Government-owned or leased motor vehicles. Superseded by Act of Aug. 2, 1946, ch. 744, § 16(a), 60 Stat. 810.
Apr. 30	243-----	101-----	60	128	50A	1751	Expired. Provided for appointment, composition, pay tenure, and travel expenses of Philippine War Damage Commission members; and authorized the Commission to appoint and pay personnel. Commission expired Apr. 30, 1951, pursuant to subsec.(d).
May 16	261-----	-----	60	182	50A	1811-1816	Expired. See note for §§ 1811-1820 of Title 50A, U.S.C.
May 18	263-----	101 (paren- thetical ex- pression in 1st par. on p. 185).	60	185	40	166b	Superseded. Fixed pay of the Assistant Architect of the Capitol. See note for § 166b of Title 40, U.S.C.
May 22	268-----	2(a)-----	60	208	50A	1822	Obsolete. See note for § 1822(a) of Title 50A, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1946 May 24	270-----	3-----	60	216	5	942a	Obsolete. Authorized pay increases for employees paid under the Act of Feb. 5, 1917, ch. 29, § 24, 39 Stat. 893, and for employees paid under the Act of May 29, 1928, ch. 865, 45 Stat. 955. The laws referred to were repealed by the Acts of June 27, 1952, ch. 477, title IV, § 403(a)(13), 66 Stat. 279; and Sept. 3 1954, ch. 1263, § 13(b), 68 Stat. 1231.
Do....	270-----	4-----	60	216	5	942b	Obsolete. Provided pay increase for certain employees in the executive branch and the government of the District of Columbia. Made obsolete by the Act of June 20, 1958, Pub. L. 85-462, 72 Stat. 203.
Do....	270-----	6(a), (b)-----	60	217	5	934	Superseded. Provided pay increases for certain employees in the judicial branch. Superseded by Act of June 25, 1948, ch. 646, 62 Stat. 869.
Do....	270-----	6(c)-----	60	217	5	935	Superseded. Provided additional pay in lieu of overtime pay for employees of the Supreme Court. Superseded by Act of June 25, 1948, ch. 646, 62 Stat. 869.
Do....	270-----	7(b)-----	60	218	5	943a	Superseded. Provided that an employee could not be paid basic pay plus premium pay at a rate in excess of \$10,000 per annum. Superseded by Act of Sept. 1, 1954, ch. 1208, title II, § 209, 68 Stat. 1112, which is carried into this revision.
Do....	270-----	14-----	60	219	5	947	Obsolete. Federal Employees Pay Act of 1946 provided for personnel ceilings, 64 Stat. 843. Amended § 607 of Act of June 30, 1945, ch. 212, 59 Stat. 304, which was repealed by Act of Sept. 12, 1950, ch. 946, title III, § 301(85), 64 Stat. 843.
Do....	270-----	16-----	60	220	-----	-----	Executed. Provided effective date of the Act of which it was a part.
June 11	324-----	1-----	60	237	5	1001 note	Unnecessary. Provided short title for Administrative Procedure Act. Unnecessary in view of this revision.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1946 June 29	519-----	-----	60	339	5	691 note	Superseded. Amended 1930 Civil Service Retirement Act to provide for recomputation of annuity for certain annuitants. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
July 1	529-----	6-----	60	385	5	73f	Expired. Provided for travel expenses between Alaska and the United States for new appointees of the Department of the Interior. See note for § 73f of Title 5, U.S.C.
Do-----	530-----	101 (parenthetical expression in 1st par. on p. 400).	60	400	40	166b	Superseded. Fixed pay of the Assistant Architect of the Capitol. See note for § 166b of Title 40, U.S.C.
July 3	539-----	1-4-----	60	426	22	906 note	Expired. Provided for appointment and pay of additional Foreign Service personnel. Expired by July 3, 1948, pursuant to § 4 of the Act.
July 5	541-----	101 (1st full par. on p. 458).	60	458	5	274	Expired. See note for § 274 of Title 5, U.S.C.
Do-----	541-----	101 (3d full par. on p. 458).	60	458	5	154a	Expired. Authorized the Secretary of State, in his absolute discretion, to remove employees in the Foreign Service or Department of State. See note for § 154a of Title 5, U.S.C.
Do-----	541-----	201 (2d proviso on p. 463).	60	463	5	342f	Superseded. Authorized employment of aliens as interpreters by Immigration and Naturalization Service. Superseded by Act of July 28, 1950, ch. 503, § 6, 64 Stat. 380.
Do-----	542-----	2-----	60	481	-----	-----	Superseded. Provided salary limitation for police and firemen of the District of Columbia. Superseded by Act of June 20, 1953, ch. 146, 67 Stat. 72.
July 9	544-----	1 (last proviso on p. 513).	60	513	-----	-----	Superseded. Fixed pay of the Superintendent of the National Training School for Girls. Superseded by Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
July 12	569-----	1 (29 words before 8th semicolon on p. 530).	60	530	42	70	Expired. See note for § 70 of Title 42, U.S.C.
July 20	588-----	101 (last proviso on p. 576).	60	576	40	77a	Expired. See note for § 77a of Title 40, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1946 July 20	589-----	201 (3d proviso on p. 590).	60	590	50A	1822a note	Obsolete. Provided for salary of person holding offices of National Housing Administrator and of Housing Expediter. Office of Housing Expediter was abolished pursuant to Act of July 31, 1951, ch. 275, Title II, § 202(a), 65 Stat. 144.
Do-----	589-----	201 (6th and 7th provisos on p. 594).	60	594	5	600b	Expired. See note for § 600b of Title 5, U.S.C.
July 24	608-----	-----	60	658	5	713	Superseded. Amended 1930 Civil Service Retirement Act to provide annuity for recovered disability annuitant. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
Do-----	612-----	-----	60	659	5	693	Superseded. Amended 1930 Civil Service Retirement Act to include heads of executive departments and independent agencies. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
July 25	671-----	3 ("(h)")-----	60	669	50A	901a	Obsolete. Provided for appointment, pay, and duties of members of Price Decontrol Board; appointment and pay of personnel; and petitions for decontrol of prices. Price control laws expired June 30, 1947, pursuant to Act of June 30, 1942, as amended by § 1 of this Act.
July 26	672-----	101 (1st full par. on p. 685).	60	685	29	49c-3	Superseded. Provided for refund of retirement deductions and interest to members of Social Security Boards returning to State employment. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
July 27	682-----	-----	60	705	5	729a	Superseded. Amended 1930 Civil Service Retirement Act to authorize waiver of withholding or recovery of moneys. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1946							
July 27	684		60	706	5	714, 714 note	Superseded. Amended 1930 Civil Service Retirement Act regarding receiving annuity and compensation for injury concurrently. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
July 31	712		60	747	5	949-954	Expired. Provided for payment of overtime claims of Government employees. Expired July 31, 1948, pursuant to § 3(b) of the Act.
Do.	714		60	749	5	645a, 645b	Obsolete. Provided for added seniority for employees who had lost opportunity for earlier appointment because of military service during World War II. Applied only to persons in the civil service on the date of the Act. Existing rights are preserved by technical § 8 of this bill.
Aug. 1	729		60	789	5	152-1	Expired. Provided for appointment, pay, and tenure of Under Secretary of State for Economic Affairs. Expired by its own terms on Aug. 1, 1948.
Aug. 2	744	4	60	808			Expired. Provided for per diem allowances and determination of amount in lieu of subsistence for employees traveling outside United States until June 30, 1948.
Do.	744	19	60	812			Unnecessary. Provided that §§ 1, 3, 4, 5, 7, 14, and 15 of the Act should not apply to members of the uniformed service. Covered, as to §§ 1, 5, 7, and 15, by §§ 5721-5730, 5703, and 3109 of this revision. Sec. 4 is omitted and repealed by this revision and §§ 3 and 14 have been previously repealed.
Do.	744	20	60	812	5	73b-1 note	Executed. Provided effective date for §§ 1 and 2 of the Act of which it was a part.
Do.	753	602	60	850	5	693, 693-1	Superseded. Provided for retirement annuity of Members of Congress. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
Do.	756	35(d)	60	857	5	75d	Superseded. See note for § 75d of Title 5, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1946 Aug. 8	872		60	923	5	911 note	Executed. Amended Act of Dec. 7, 1944, ch. 520, 58 Stat. 796, to limit payments authorized by that Act, which is repealed by this revision.
Do.	906		60	938			Executed. Authorized lump-sum payment for accumulated annual leave to certain employees involuntarily separated by expiration of Bituminous Coal Act of 1931 if claims filed within 6 months after passage of the Act.
Do.	908		60	939	5	691	Executed. Amended 1930 Civil Service Retirement Act to provide immediate retirement annuities to employees with over 25 years of service who were involuntarily separated between July 1, 1945, and June 30, 1947.
1947 Mar. 31	30	4	61	37	50A	984	Expired. Provided criminal penalties for violation of certain orders, etc., or disclosure of information. Expired Mar. 31, 1948, pursuant to § 1 of the Act.
May 16	70	2	61	96	50A	1001 note	Executed. Provided that certain appropriations for the Navy were available for payments under the Missing Persons Act.
June 21	112		61	135	5	693	Superseded. Amended 1930 Civil Service Retirement Act to extend Act to Official Reporters of the Debates of the Senate. Superseded by the Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
June 30	164		61	201	15	713	Expired. Extended Commodity Credit Corporation until June 30, 1948.
Do.	166	1 ("Sec. 2")	61	202	15	602	Obsolete. Provided for appointment, eligibility, tenure, pay, vacancies, and conflict of interest of Board of Directors of Reconstruction Finance Corporation. The Corporation was abolished by 1957 Reorg. Plan No. 1, § 6(a), 22 F.R. 4634, 71 Stat. 649.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1947 June 30	166-----	1 ("Sec. 3")-----	61	202	15	603	Obsolete. Provided for powers of Reconstruction Finance Corporation, including succession and appointment and pay of personnel, and for applications of Federal Employees Compensation Act. See note for § 1 ("Sec. 2") of the Act.
Do-----	166-----	1 ("Sec. 4")-----	61	203	15	604	Obsolete. Authorized Reconstruction Finance Corporation to make loans, with certain limitations, and prohibited certain conflicts of interest of officers and employees. See note for § 1 ("Sec. 2") of the Act.
Do-----	166-----	1 ("Sec. 11")-----	61	206	15	616	Superseded. Made certain frauds, counterfeits, and other acts criminal offenses. Superseded by the Act of June 25, 1948, ch. 645, 62 Stat. 683 (18 U.S.C. 433, 493, 657, 709, 1006, 1014, and 1904).
July 1	185-----	4 (proviso)-----	61	216	22	289c	Obsolete. Provided an exception to the personnel ceiling imposed by § 607 of the Federal Employees Pay Act of 1945, as amended, which was repealed by the Act of Sept. 12, 1950, ch. 946, title III, § 301(85), 64 Stat. 843.
Do-----	186-----	101 (last proviso on p. 222).	61	222	40	77a	Expired. See note for § 77a of Title 40, U.S.C.
Do-----	186-----	101 (29 words before 8th semicolon in par. beginning "Pay and allowances").	61	225, 226	42	70	Expired. See note for § 70 of Title 42, U.S.C.
July 7	207-----	-----	61	246	5	138a-138j	Expired. Established the Commission on Organization of the Executive Branch of the Government; provided for its appointment and duties, and for its staff and powers. Expired June 12, 1949, pursuant to §§ 9, 10 of the act, as amended by the Act of Dec. 31, 1948, ch. 837, 62 Stat. 1292.
July 9	211-----	101 (penultimate par. on p. 288).	61	288	5	154a	Expired. Authorized Secretary of State, in his absolute discretion, to remove employees in the Foreign Service or Department of State. See note for § 154a of Title 5, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1947 July 9	211-----	201 (4th proviso on p. 292).	61	292	5	342f	Superseded. Authorized employment of aliens as interpreters in Immigration and Naturalization Service. Superseded by Act of July 28, 1950, ch. 503, § 6, 64 Stat. 380.
Do....	211-----	301 (1st proviso on p. 295).	61	295	5	606a	Expired. See note for § 606a of Title 5, U.S.C.
July 11	219-----	-----	61	307	5	691	Superseded. Amended 1930 Civil Service Retirement Act to provide annuities for certain employees of Federal Bureau of Investigation after 25 years service. Superseded by the Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
July 17	262-----	101 (parenthetical expression in 3d par. on p. 369).	61	369	40	166b	Superseded. Fixed pay of Assistant Architect of the Capitol. See note for § 166b of Title 40, U.S.C.
July 25	324-----	1 (2d proviso on p. 439).	61	439	-----	-----	Superseded. Fixed pay of the Superintendent of the National Training School for Girls. Superseded by Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
Do....	327-----	2(c)-----	61	451	5	799 note	Executed. Repealed existing law.
July 26	343-----	208(c)-----	61	504	5	626c	Executed. Provided for transfer of personnel of the Army Air Corps to the Air Force and preserved the rights, benefits, and privileges of the personnel who were transferred. The personnel have been transferred and existing rights are preserved by technical § 8 of this bill.
Do....	343-----	301-----	61	507	5	171b, 171c-1, 181-2, 411b, 626a	Superseded. Prescribed pay of Secretary of Defense and Secretaries of the Army, Navy, and Air Force. Superseded by § 303 of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 416. Part of this section was previously repealed.
Do....	343-----	304-----	61	508	5	171k	Executed. Provided for transfer of civilian personnel under the Act without change in classification or pay, subject to power of agency head to change titles and duties. Insofar as not executed, is covered by § 305 and ch. 51 of this revision.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1947 July 26	343	305	61	508	5	171l	Unnecessary. Preserved existing application of laws and proceedings. Covered by technical § 8 of this bill.
Do.	343	306	61	509	5	626d	Executed. Authorized transfer of appropriations available to the Army Air Force to the Department of the Air Force.
July 30	353		61	521	5	724	Superseded. Amended 1930 Civil Service Retirement Act to provide for return of deductions upon separation, redeposit upon reinstatement, and interest computation. Superseded by the Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
Do.	358	201 (3d proviso on p. 581).	61	581	5	600b	Expired. See note for § 600b of Title 5, U.S.C.
Aug. 1	433		61	715	5	1161-1163	Superseded by the Act of Oct. 4, 1961, Pub. L. 87-367, title II, § 202, 75 Stat. 789, which is carried into this revision.
Aug. 4	452	7	61	728	5	1056	Obsolete. Provided that the Act shall not be construed as affecting the compensation, rights, or benefits of student nurses receiving training in accordance with the Act of June 15, 1943, as amended (50 U.S.C., App., 1451 et seq.). Secs. 1451-1462 of Appendix to title 50 terminated under the provisions of sec. 1460, on the termination of hostilities of World War II, proclaimed at 12 o'clock noon of Dec. 31, 1946, by Proc. No. 2714, 12 F.R. 1.
Aug. 5	497		61	779	50A	1811-1819	Expired. See note for §§ 1811-1820 of Title 50A, U.S.C.
Do.	498	12	61	783	22	281k	Executed. Provided for transfer from two Delaware corporations to the Institute of Inter-American Affairs created by the Act of all personnel, assets, liabilities, duties, and powers. Existing rights, etc., are preserved by technical § 8 of this bill.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1947 Dec. 17	520-----	12-----	61	939	22	1411 note	Obsolete. Provided that additional employees would not be counted against personnel ceilings imposed by 5 U.S.C. 947, which was repealed by Act of Sept. 12, 1950, ch. 946, title III, § 301(85), 64 Stat. 843.
Dec. 19	522-----	-----	61	940	5	138g	Expired. Authorized Commission on Organization of Executive Branch of the Government to appoint and pay personnel, and provided dual employment and conflict of interest exceptions for certain Commission members and employees. See note for Act of July 7, 1947, ch. 207, 61 Stat. 246.
1948 Jan. 26	17-----	-----	62	5	5	693, 707, 736b note	Superseded. Amended 1930 Civil Service Retirement Act to provide retirement coverage for employees of National Library for the Blind. Superseded by the Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
Feb. 28	84-----	-----	62	48	5	691, 693, 693-1, 698, 707, 710, 711, 713, 715, 718, 719, 719-1, 724, 725, 733, 736b, 736c 1935	Superseded. Amended 1930 Civil Service Retirement Act generally. Superseded by the Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
Mar. 31	166-----	16-----	62	108	50A		Expired. Provided partial exception from the Administrative Procedure Act for functions exercised under the Act of which this section is a part. Expired May 1, 1955, pursuant to § 20 of the Act, as amended by Acts of June 24, 1950, ch. 357, § 1(b), 64 Stat. 256; June 23, 1952, ch. 453, § 1(b), 66 Stat. 154; and Aug. 7, 1953, ch. 338, § 22, 67 Stat. 415.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1948 Apr. 20	217-----	-----	62	176	5	1082 note	Obsolete. Provided that pay of members of District of Columbia Alcoholic Beverage Control Board be fixed in accordance with Classification Act of 1923. The Board was abolished by Reorganization Order No. 35, pursuant to 1952 Reorg. Plan No. 5, eff. July 1, 1952, 66 Stat. 824.
Do....	219-----	101 (1st proviso).	62	177	-----	-----	Superseded. Authorized detail of employees to the White House office. Superseded by § 107 of Title 3, U.S.C.
May 12	284-----	-----	62	231	5	73b-1 note	Executed. Validated certain payments theretofore made to employees for shipment of household effects.
May 25	334-----	2-4-----	62	262-265	15	602-604	Obsolete. Provided for appointment, pay, powers, and duties of the Board of Directors of the Reconstruction Finance Corporation; provided for appointment and pay of the Corporation's employees; and prohibited certain conflicts of interest. See note for Act of Jan. 22, 1932, ch. 8, § 3, 47 Stat. 5.
June 3	400-----	104-----	62	315	5	154a	Expired. Authorized Secretary of State, in his absolute discretion, to remove employees in the Foreign Service or the Department of State. See note for § 154a of Title 5, U.S.C.
Do....	400-----	201 (2d proviso on p. 319).	62	319	5	342f	Superseded. Authorized employment of aliens as interpreters in Immigration and Naturalization Service. Superseded by Act of July 28, 1950, ch. 503, § 6, 64 Stat. 380.
Do....	400-----	301 (1st proviso on p. 322).	62	322	5	606a	Expired. See note for § 606a of Title 5, U.S.C.
Do....	400-----	301 (2d proviso on p. 325).	62	325	-----	-----	Superseded. Fixed pay of members of the Civil Aeronautics Board. Superseded by § 303 of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 417, 418.
Do....	402-----	-----	62	334	50A	1812, 1820	Expired. See note for §§ 1811-1820 of Title 50A, U.S.C.
June 14	466-----	101 (last proviso on p. 413).	62	413	40	77a	Expired. See note for § 77a of Title 40, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1948 June 19	538-----	-----	62	504	5	693-1	Superseded. Amended 1930 Civil Service Retirement Act to provide retirement credit for Members of Congress leaving to enter military service. Superseded by the Act of July 31, 1956, ch. 804, § 401, title IV, 70 Stat. 743.
Do-----	553-----	-----	62	536	-----	-----	Obsolete. Amended Act of Jan. 3, 1946, ch. 658, 59 Stat. 679, to authorize appointment of interns in Department of Medicine and Surgery of Veterans' Administration. The Act of Jan. 3, 1946, ch. 658, 59 Stat. 679, was repealed by Act of June 17, 1957, Pub. L. 85-56, title XXII, § 2202 (184), 71 Stat. 170.
Do-----	555-----	1 (5th proviso on p. 549).	62	549	-----	-----	Superseded. Fixed pay of the Superintendent of the National Training School for Girls. Superseded by Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
Do-----	558-----	101 (29 words before 6th semicolon on p. 562).	62	562	42	70	Expired. See note for § 70 of Title 42, U.S.C.
June 24	624-----	-----	62	604	5	1161, 1163	Superseded. Superseded by the Act of Oct. 4, 1961, Pub. L. 87-367, title II, § 202, 75 Stat. 389, which is carried into this revision.
Do-----	632-----	(1st proviso)-----	62	647	5	171j-1	Superseded. See note for § 171j-1 of Title 5, U.S.C.
Do-----	632-----	(2d proviso)-----	62	647	5	230 note, 476 note	Obsolete. Authorized Secretary of Defense to use not more than six of the positions established by the Act of Aug. 1, 1947, ch. 433, 61 Stat. 715. Made obsolete by the Act of July 31, 1956, ch. 804, title V, § 501, 70 Stat. 761.
June 25	636-----	-----	62	670	5	2259 note	Superseded. Amended 1930 Civil Service Retirement Act to provide election of annuities for certain surviving spouses. Superseded by the Act of July 31, 1956, ch. 804, § 401, title IV, 70 Stat. 743.
Do-----	646-----	28-----	62	991	48	1405y	Superseded. See note for § 1405y of Title 48, U.S.C.
Do-----	646-----	30-----	62	991	48	1392a	Superseded. See note for § 1392a of Title 48, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1948 June 25	647-----	8-----	62	1012	50A	1957	Expired. Established the Displaced Persons Commission, and provided for appointment, pay, and duties of the Commission and its employees. The term of the Commission, originally set to expire June 30, 1951, expired Aug. 31, 1952, pursuant to the Act of June 16, 1950, ch. 262, § 8, 64 Stat. 225.
June 28	694-----		62	1068	5	645a	Obsolete. Provided for added seniority for certain employees unable to perform duties of the position applied for because of disability due to military service in World War II. See note for Act of July 31, 1946, ch. 714, 60 Stat. 749.
June 30	762-----	2-5-----	62	1163, 1164	5	739, 2259 note	Executed. Transferred the retirement system of Office of Comptroller of the Currency to the Civil Service Retirement System.
Do-----	773-----	201 (1st proviso on p. 1193).	62	1193	5	600b	Expired. See note for § 600b of Title 5, U.S.C.
Do-----	775-----	101 (3d proviso on p. 1197).	62	1197	50A	1822a	Obsolete. See note for § 1822a of Title 50A, U.S.C.
July 2	807-----		62	1221	5	691	Superseded. Amended 1930 Civil Service Retirement Act to provide early annuities for certain investigative, etc., employees. Superseded by the Act of July 31, 1956, ch. 804, § 401, title IV, 70 Stat. 743, which is carried into this revision.
Do-----	808-----		62	1222	49	305 note	Expired. Established Motor Carrier Claims Commission; provided for appointment, pay, powers, and duties of its members and employees. Expired Dec. 31, 1952, pursuant to Act of Mar. 14, 1952, ch. 105, 66 Stat. 25.
July 3	830-----	302-----	62	1267	5	956	Superseded. Provided that the additional compensation provided in the act should not be construed to be an equivalent increase within the meaning of Classification Act of 1923, as amended. Superseded by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1948 July 3	830-----	303(b), (c)-----	62	1268	5	943a, 957	Superseded. Provided that an employee could not be paid basic pay plus premium pay at a rate in excess of \$10,330 per annum. Superseded by Act of Sept. 1, 1954, ch. 1208, title II, § 209, 68 Stat. 1112, which is carried into this revision.
Do----	830	304-----	62	1268	5	958	Obsolete. Postponed effective date of pay increases for employees of the District of Columbia until appropriations therefor were made. Made obsolete by the Act of June 20, 1958, Pub. L. 85-462, 72 Stat. 203.
Do----	830-----	305-----	62	1268	5	955 note	Executed. Provided effective date for Act of which it was a part.
Aug. 10	832-----	501(a)-----	62	1283	12	1437 note 1701d, 1702 42 1403	Superseded. 1. Fixed pay of Housing and Home Finance Administrator, members of the Home Loan Bank Board, Federal Housing Commissioner, and Public Housing Commissioner. Superseded by § 303 of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 416.
Dec. 31	837-----	-----	62	1292	5	138c. 13	Expired. Extended the time for the Commission on Organization of the Executive Branch of the Government to make its report. See note for the Act of July 7, 1947, ch. 207, 61 Stat. 246.
1949 Jan. 19	2-----	2, 3-----	63	4	5 3	693-1 note 102 note	Superseded and executed. Sec. 2 provided that pay increases made by § 1 would be disregarded in computing civil service retirement withholding and annuities, until further act of Congress, and was superseded by Act of Mar. 2, 1955, ch. 9, § 4(a), (c), 69 Stat. 11; and July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743. Sec. 3 provided an effective date for the Act and is executed.
Apr. 2	47-----	1-----	63	30	5	171a	Superseded by § 3(b) of the Act of Aug. 6, 1958, Pub. L. 85-599, 72 Stat. 514.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Vol- ume	Page	Title	Section	
1949 Apr. 2	47-----	2-----	63	31	5	171b	Superseded. Fixed pay of Under Secretary of Defense. The title of the position was changed to Deputy Secretary of Defense by Act of Aug. 10, 1949, ch. 412, § 6(a), 63 Stat. 581. The pay of the Deputy Secretary was fixed by § 303 of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 416.
May 21	133-----	-----	63	73	-----	-----	Obsolete. Amended the Act of Aug. 7, 1946, ch. 791, §§ 2, 4, 60 Stat. 888, which was repealed June 17, 1959, Pub. L. 85-56, title XXII, § 2202 (193), 71 Stat. 171.
June 9	185-----	1-----	63	166	5	835 note	Unnecessary. Provided short title for Act of which it was a part, which is carried into this revision.
Do----	185-----	10-----	63	167	5	835 note	Executed. Provided effective date of the Act of which it was a part, which is carried into this revision.
June 10	194-----	-----	63	170	5	2259 note	Superseded. Amended Civil Service Retirement Act of 1930 to provide election to forfeit annuities and get return of contributions plus interest. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
June 24	240-----	-----	63	266	5	736b	Superseded. Amended Civil Service Retirement Act of 1930 to provide for retirement credit for service for which, through inadvertence, no salary deductions were made. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743.
June 29	279-----	1 (2d proviso on p. 315).	63	315	-----	-----	Superseded. Fixed pay of the Superintendent of the National Training School for Girls. Superseded by Act of Oct. 28, 1949, ch. 782, 63 Stat. 954.
Do----	280-----	101 (7th through 17th words of 2d full par. on p. 337).	63	337	16	553a	Superseded. See note for § 553a of Title 16, U.S.C.
June 30	286-----	101 (last proviso on p. 362).	63	362	40	77a	Expired. See note for § 77a of Title 40, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1949 June 30	286-----	101 (29 words before 8th semicolon in last par. on p. 365).	63	365	42	70	Expired. See note for § 70 of Title 42, U.S.C.
Do-----	287-----	3-----	63	376	-----	-----	Superseded. Provided pay increases and set effective date for District of Columbia schoolteachers. Superseded by Act of Aug. 5, 1955, ch. 589, 69 Stat. 521.
Do-----	288-----	105-----	63	381	5	630c	Executed. Abolished War Assets Administration; transferred functions, records, property, personnel, obligations, and commitments to General Services Administration; and authorized Administrator of General Services to continue or reappoint certain transferred personnel.
Do-----	288-----	108-----	63	382	5	630f	Executed. Provided that employees of War Assets Administration transferred to General Services Administration need not be reappointed.
July 6	300-----	2-----	63	408	-----	-----	Executed. Provided for effective date of pay increase of certain District of Columbia employees, limited retroactive pay to persons employed on date of enactment, and without overtime, holiday, etc., pay.
July 13	332-----	-----	63	410	5	1161, 1163	Superseded. Superseded by the Act of Oct. 4, 1961, Pub. L. 87-367, title II, § 202, 75 Stat. 789, which is carried into this revision.
July 15	338-----	401 ("Sec. 304")	63	432	12	1701f-1	Obsolete. Established position of Director of Housing Research. See note for § 1701f-1 of Title 12, U.S.C.
July 20	354-----	104-----	63	456	5	154a	Expired. Authorized Secretary of State, in his absolute discretion, to remove employees in the Foreign Service or Department of State. See note for § 154a of Title 5, U.S.C.
Do-----	354-----	107-----	63	457	5	170d	Superseded. Authorized transportation of certain employees in foreign countries between home and office by Government-owned vehicles. See note for § 170d of Title 5, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1949							
July 20	354-----	201 (2d par. on p. 458).	63	458	5	301	Expired. See note for § 301 of Title 5, U.S.C.
Do----	354-----	201 (2d proviso on p. 460).	63	460	5	342f	Superseded. Authorized employment of aliens as interpreters in Immigration and Naturalization Service. Superseded by Act of July 28, 1950, ch. 508, § 6, 64 Stat. 380.
Do-----	354-----	301 (last proviso on p. 462).	63	462	5	606a	Expired. See note for § 606a of Title 5, U.S.C.
Do-----	354-----	301 proviso on p. 468, less words after 1st semi-colon).	63	468	15	283	Expired. Authorized appointments without regard to the civil service and classification laws and certain provisions of the Federal Employees Pay Act of 1945. See note for § 283 of Title 15, U.S.C.
July 21	356-----	-----	63	475	5	698, 715, 736b, 736c, 740, 740a	Superseded. Transferred assets and obligations of the Alaska Railroad retirement and disability system and the Canal Zone retirement system to the Civil Service Retirement System. Superseded by the Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision. Existing rights are preserved by technical § 8 of the bill.
Aug. 2	381-----	-----	63	490	5	693	Superseded. Amended Civil Service Retirement Act of 1930, to exempt certain temporary employees from the act. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
Aug. 8	404-----	-----	63	577	5	710	Superseded. Amended 1930 Civil Service Retirement Act, to permit waiver of time limitation for disability retirement. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
Aug. 10	412-----	10(a)-----	63	585	5	171b, 171c-1, 181-2, 411b, 626a	Superseded. Prescribed pay of Secretary of Defense, Deputy Secretary of Defense, and Secretaries of Army, Navy, and Air Force. Superseded by § 303 of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 416. Part of this subsection was previously repealed.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1949 Aug. 16	443		63	609	5	691	Superseded. Amended 1930 Civil Service Retirement Act relating to computation of annuities for certain law enforcement employees. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
Aug. 19	486		63	621	5	693	Executed. Amended 1930 Civil Service Retirement Act to extend time within which legislative employees might come within the Act to Jan. 30, 1950.
Aug. 24	506	201 (1st proviso on p. 660).	63	660	5	600b	Expired. See note for § 600b of Title 5, U.S.C.
Aug. 25	511		63	663	5	691	Superseded. Amended 1930 Civil Service Retirement Act to extend benefits for involuntary separation. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
Sept. 30	588		63	699	5	698	Superseded. Amended 1930 Civil Service Retirement Act to allow survivor's annuity for reduced annuity. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
Oct. 5	598		63	703	5	30b-1, 30b-1 note	Superseded. Extended annual and sick leave benefits to certain part-time employees and ratified prior payments. Superseded by Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 672.
Do	602		63	704	5	698	Superseded. Amended 1930 Civil Service Retirement Act to fix maximum basic pay for retirement computation for employees paid on a fee basis. Superseded by § 401, title IV of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
Oct. 12	678		63	764			Obsolete. Amended Act of Jan. 3, 1946, ch. 658, 59 Stat. 675, relating to appointment of and pay increases for certain employees of Department of Medicine and Surgery of the Veterans' Administration. The Act of Jan. 3,

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1949 Oct. 14	691-----	109-----	63	861	5	756a	1946, ch. 658, 59 Stat. 675, was repealed by Act of June 17, 1957, Pub. L. 85-56, title XXII, § 2202 (184), 71 Stat. 170. Executed. Increased basis for computing workmen's compensation for injuries incurred before July 1, 1946. Existing rights are preserved by technical § 8 of the bill.
Do-----	691-----	207-----	63	865	5	751 note	Unnecessary. Provided short title for act of which it is a part, which is carried into this revision.
Do-----	691-----	301-----	63	866	5	791-1	Expired. Extended time for filing claims for death or injuries outside United States during period from Dec. 7, 1941, to Aug. 11, 1946. The time during which claims could be filed under this extension expired 5 years after Oct. 14, 1949.
Do-----	691-----	302-----	63	866	5	791-3	Executed. Prevented reopening case which had been settled by compromise or private acts prior to date of Act. Claims now barred by the act.
Do-----	691-----	303-----	63	866	5	752, 753, 755, 757, 761, 762, 765, 790 note	Executed. Provided general effective date and certain retroactive effect for amendments made by this Act. Existing rights and liabilities preserved by technical § 8 of this bill.
Do-----	691-----	304-----	63	868	5	791-2	Executed. Provided that amendments made by Act did not interrupt running of time limitations unless specifically provided.
Do-----	691-----	305(a)-----	63	868	5	791-4	Executed. See note for § 791-4(a) of Title 5, U.S.C.
Do-----	691-----	401-----	63	868	■	796	Obsolete. Liberalized minimum and maximum workmen's compensation for emergency relief workers (Federal Civil Works Administration). Federal Civil Works Administration was terminated Mar. 31, 1934. Also, repealed existing law, provided applicability and for termination of special schedule. Any existing rights are preserved by technical § 8 of this bill.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1949 Oct. 15	695-----	1-----	63	880	5	3, 171c-1, 181, 182, 411b, 626a	Superseded. Provided in crease in the rate of basic compensation for the heads of executive departments and independent agencies. Superseded by § 303 of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 416.
Do----	695-----	3-----	63	880	5	133t note, 151d, 244, 293, 294, 369 note, 481a, 514a, 591a, 611a, 630 note	Superseded. Provided rate of basic compensation of each Under Secretary of an executive department, the Deputy Postmaster General, etc. Superseded by Act of Mar. 2, 1955, ch. 9, 64 Stat. 9, the Act of July 31, 1956, ch. 804, 70 Stat. 736, and the Act of Aug. 14, 1964, Pub. L. 88-426, § 303, 78 Stat. 416, except for positions abolished by § 8 of 1953 Reorg. Plan No. 1, 18 F.R. 2053, 67 Stat. 631, and § 6 of 1953 Reorg. Plan No. 3, 18 F.R. 3375, 67 Stat. 634.
Do----	695-----	4-----	63	880	5	171h, 171i, 300c, 632	Obsolete. Provided basic compensation of Chairman of the Munitions Board, and other officers. Certain positions abolished by 1953 Reorg. Plan No. 6, § 2, 18 F.R. 3743, 67 Stat. 638, and by 1951 Reorg. Plan No. 1, § 9, 15 F.R. 3690, 65 Stat. 773, 774, and the pay rates changed by Act of July 31, 1956, ch. 804, title I, 70 Stat. 736, and the Act of Aug. 14, 1964, Pub. L. 88-426, §§ 203, 303, 78 Stat. 415, 416.
					12	2, 241, 635	
					15	602, 1023	
					29	172	
					31	16, 42	
					46	1111	Superseded. Fixed pay of certain executive officers. Superseded by the Act of July 31, 1956, ch. 804, title I, 70 Stat. 736, and the Act of Aug. 14, 1964, Pub. L. 88-426, §§ 203, 303, 309, 78 Stat. 415, 416, 433.
					50	403	
Do----	695-----	5(a), 6(a)-----	63	880, 881	2	136a	
					5	133t note, 151e, 152b, 171c-2, 181a, 182, 182a, 246, 281, 282, 295a, 296, 300c, 369 note, 420a, 421a, 421b, 482a, 517a, 592a, 611b, 626b, 630 note, 632	
					7	901, 1015, 1505 note	
					12	635a, 1141a note	

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
					15	42, 78d, 602	
					16	553a, 590e note, 792, 831a, 832a	
					19	1330	
					22	138 note	
					25	70b	
					28	792	
					29	154, 172 note	
					40	162a, 166b	
					42	902 note	
					43	373a	
					44	39a	
					45	154, 228j	
					46	1111	
					47	154	
					48	62, 536, 1405s-1	
					49	16, 421	
					50	151 note, 403 note	
					50A	460, 1751, 1957, 2001	
1949 Oct. 19	698		63	884	5	693, 707, 736b note	Superseded. Amended 1930 Civil Service Retirement Act to apply to employees of Columbia Institute for the Deaf. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
Oct. 26	736	4	63	911	29	204	Superseded. Increased pay of Administrator of Wage and Hour Division. Superseded by Act of July 31, 1956, ch. 804, title I, § 106(a), 70 Stat. 737, as amended by the Act of Aug. 14, 1964, Pub. L. 88-426, §§ 305(1) and 309, 78 Stat. 422, 433.
Oct. 28	778	2	63	950			Executed. Repealed a portion of an appropriation Act.
Do	779		63	951			Executed. Limited retroactive pay to District of Columbia police and firemen.
Do	782	604	63	966	5	1114	Executed. See note for § 1114 of Title 5, U.S.C.
Do	782	605	63	967	5	1115	Obsolete. Provided that pay raises created by the act should not be considered equivalent to a step increase under § 701 of the Act.
Do	782	701-705	63	967-969	5	1121-1125	Superseded by the Act of Oct. 11, 1962, Pub. L. 87-793 § 603, 76 Stat. 847, which is carried into the revision.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1949 Oct. 28	782-----	1104-----	63	972	5	1075	Executed. Provided that nothing in the Classification Act of 1949 (63 Stat. 954) shall be construed to affect the application to officers and employees to whom the Act applies of the veteran-preference provisions in the Civil Service Act, as amended, and the Veterans' Preference Act of 1944, as amended. There is nothing in the Classification Act of 1949 which affects the application of the Acts cited.
Do....	782-----	1105-----	63	972	5	1071 note, 1082 note	Executed. Provided effective date for the Act of which it is a part.
Do....	782-----	1106-----	63	972			Unnecessary. Changed existing references to Classification Act of 1923 to references to the Classification Act of 1949, and provided that the section should not be construed so as to change the application of the latter. Covered by technical §§ 7 and 8 of this bill.
Do....	782-----	1202-----	63	972			Executed. Repealed certain laws.
Do....	782-----	1204-----	63	973	5	1071 note	Executed. Provided for repeal of all laws or parts of laws inconsistent with the Act to the extent of the inconsistency. Existing rights and liabilities are preserved by technical § 8 of this bill.
Oct. 29	787-----	619-----	63	1020	5	626y	Expired. See note for § 626y of Title 5, U.S.C.
Do....	787-----	623-----	63	1021	5	171u	Expired. See note for § 171u of Title 5, U.S.C.
1950 Mar. 10	54-----	3(a), (b)-----	64	13	22	1622	Obsolete. Established the International Claims Commission, and provided for appointment, pay, tenure, vacancies, and removal of commission members, appointment and pay of personnel, details, and termination. The International Claims Commission was abolished and its functions transferred to the Foreign Claims Settlement Commission by Reorg. Plan No. 1 of 1954, eff. July 1, 1954, 19 F.R.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1950 Apr. 29	136		64	93	5	645a	3985, 68 Stat. 1279. See also Act of Aug. 21, 1954, ch. 784, § 3, 68 Stat. 762. Obsolete. Amended Act of July 31, 1946, ch. 714, to protect the grade of certain employees who lost opportunity to appointment because of military service. See note for Act of July 31, 1946, ch. 714, 60 Stat. 749.
Do.	138		64	96			Obsolete. Amended § 5 of Act of May 27, 1924, ch. 199, 43 Stat. 175, to provide a day off in lieu of Sunday for U.S. Park Police. The Act of May 27, 1924, was repealed by Act of June 20, 1953, ch. 146, title IV, § 404(a)(1), 67 Stat. 76.
May 3	152	4(a), (b)	64	100	40	442	Executed. Authorized Secretary of Agriculture to appoint and pay employees and to accept voluntary services for the purposes of the Act of which this section is a part. The Act required completion of its objective by May 3, 1953 (§ 2(e)).
May 17	188	111	64	170	33	573	Obsolete. Made exception to limitation imposed by § 607 of the Federal Employees Pay Act of 1945, which was repealed by the Act of Sept. 12, 1950, ch. 946, title III, § 301(85), 64 Stat. 843.
Do.	188	214	64	184	33	7017-1	Obsolete. Made exception to limitation imposed by § 607 of the Federal Employees Pay Act of 1945, which was repealed by the Act of Sept. 12, 1950, ch. 946, title III, § 301(85), 64 Stat. 843.
May 23	195		64	188			Executed. Provided for payment to estate of amounts due employee under Act of Aug. 8, 1946, ch. 906. See note for Act of Aug. 8, 1946, ch. 906, 60 Stat. 938.
May 26	213		64	193			Obsolete. Made exception to dual compensation, dual pay, conflict of interests, laws for attorneys employed to assist Senate Subcommittee on Reconstruction Finance Corporation. The Subcommittee no longer exists.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1960 June 14	239		64	214			Obsolete. Extended authority of Administrator of Veterans' Affairs to establish and continue offices in the Republic of the Philippines. Amended Act of June 14, 1947, ch. 103, 61 Stat. 161, which was repealed by Act of June 17, 1957, Pub. L. 85-56, title XXII, § 2202(197), 71 Stat. 171.
Do.	240		64	214	5	724	Superseded. Amended 1930 Civil Service Retirement Act to designate beneficiaries of lump-sum death payments. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
June 28	382	1	64	262	5	1071 note	Expired. Postponed the application of the Classification Act of 1949 to certain employees of the Selective Service System. Also superseded by Act of June 30, 1950, ch. 445, § 3, 64 Stat. 319.
Do.	382	2	64	262	5	1123	Superseded by the Act of Oct. 11 1962, Pub. L. 87-793, § 603, 76 Stat. 847, which is carried into this revision.
July 6	449		64	320	5	736c note	Superseded. Amended 1930 Civil Service Retirement Act to extend benefits to those retired prior to Apr. 1, 1948, and provide election of survivor annuities. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
Aug. 3	518	6	64	396			Executed. Provided effective date of the Act of which it was a part, and repealed existing law.
Aug. 26	803	4	64	477			Executed. Repealed existing law.
Sept. 5	853		64	593			Obsolete. Provided for classification and pay of doctors, specialists, etc., disciplinary boards and special advisory group in Department of Medicine and Surgery, Veterans' Administration. Amended §§ 8, 10, and 12 of the Act of Jan. 3, 1946, ch. 658, 59 Stat. 677, 678, which was repealed June 17, 1957, Pub. L. 85-56, § 2202 (184), 71 Stat. 170.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1950							
Sept. 6	896	106	64	615	5	170d	Superseded. See note for § 170d of Title 5, U.S.C.
Do	896	201 (2d proviso on p. 618).	64	618	5	342f	Superseded. Authorized employment of aliens as interpreters in the Immigration and Naturalization Service. Superseded by Act of July 28, 1950, ch. 503, § 6, 64 Stat. 380.
Do	896	301 (proviso on p. 620).	64	620	5	606a	Expired. See note for § 606a of Title 5, U.S.C.
Do	896	301 (proviso on p. 628, less words after 1st semicolon).	64	628	15	283	Expired. Authorized appointments without regard to the civil service and classification laws and certain provisions of the Federal Employees Pay Act of 1945. See note for § 283 of Title 15, U.S.C.
Do	896	101 (last proviso on p. 638).	64	638	40	77a	Expired. See note for § 77a of Title 40, U.S.C.
Do	896	110	64	696	5	496a	Superseded. Authorized transfer of surplus property, without reimbursement, to the Department of the Interior when required for operations in Territories and island possessions. Superseded by the Act of July 12, 1952, ch. 703, § 1 (f)-(h), 66 Stat. 593.
Do	896	201 (1st proviso on p. 724).	64	724	5	600b	Expired. See note for § 600b of Title 5, U.S.C.
Do	896	616	64	754	5	626y	Expired. See note for § 626y of Title 5, U.S.C.
Do	896	1213	64	768	5	154a	Expired. Authorized Secretary of State, in his absolute discretion, to remove employees in the Foreign Service or the Department of State. See note for § 154a of Title 5, U.S.C.
Sept. 8	932	403	64	807	50A	2103	Expired. Authorized the President to create a new independent agency to administer price and wage controls. Expired Apr. 30, 1953, pursuant to § 717 of the act, as renumbered by Act of July 31, 1951, ch. 275, title I, § 110(b), 65 Stat. 144; and amended by Acts of June 30, 1951, ch. 198, § 1, 65 Stat. 110; July 31, 1951, ch. 275, title I, § 111, 65 Stat. 144; June 30, 1952, ch. 530, title I, §§ 120, 121(b), 66 Stat. 306; June 30, 1953, ch. 170, § 20, 67 Stat.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1950							126; June 30, 1953, ch. 171, §§ 11, 12, 67 Stat. 131; June 30, 1955, ch. 251, § 5, 69 Stat. 225; Aug. 9, 1955, ch. 655, § 10, 69 Stat. 583; and June 29, 1956, ch. 474, § 1, 70 Stat. 408.
Sept. 23	1010	3(a)	64	986			Executed. Repealed certain provisions of existing law.
Do	1010	4	64	986	5	73b-1 note	Unnecessary. Provided short title for the Act of which it was a part, which is carried into this revision.
Do	1010	6	64	986			Executed. Repealed certain provisions of existing law.
Sept. 27	1052	101	64	1063	5	626y	Expired. See note for § 626y of Title 5, U.S.C.
Do	1052	104	64	1064	5	171d-1	Obsolete. Excepted Department of Defense from limitations on employment imposed by § 607 of the Federal Employees Pay Act of 1945. Sec. 607 was repealed by Act of Sept. 12, 1950, ch. 946, title III, § 301(85), 64 Stat. 843.
Sept. 30	1123	1	64	1098	5	2001 note	Obsolete. Provided short title for the Performance Rating Act of 1950, which is carried into this revision.
Do	1123	9, 10	64	1100	5	1121-1123	Superseded by the Act of Oct. 11, 1962, Pub. L. 87-793, § 603, 76 Stat. 847, which is carried into this revision.
Do	1123	11, 12, 14	64	1100	5	2001 note	Executed. Secs. 11 and 14 repealed other laws. Sec. 12 provided for the effective date of the Act.
Dec. 28	1174		64	1120	5	693	Superseded. Amended 1930 Civil Service Retirement Act to make inapplicable temporary employee exclusion for certain employees of Senate and House with one or more years of service. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
Dec. 29	1189	13	64	1132	5	1031 note	Executed. Provided for repeal of inconsistent laws. Preserved by technical § 8 of this bill.
Do	1189	14	64	1133	5	1031 note	Executed. Provided for effective date of act and application of section to pending actions. Preserved by technical § 8 of this bill.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1951 June 19	144-----	1(j) ("Sec. 4(k) (3), (4), (6)").	65	80, 81	50A	454	Obsolete. Established National Security Training Commission; provided for composition, tenure, pay, and duties of Commission members and authorized appointment and pay of employees. The Commission expired on its own recommendation June 30, 1957, pursuant to letter to the President of Mar. 25, 1957.
July 31	275-----	110(a)-----	65	139	50A	2163a	Executed. Established Small Defense Plants Administration, provided for appointment and pay of officers and other personnel, and for its powers and duties. Terminated by Act of July 31, 1953, ch. 171, § 11, 67 Stat. 131.
Aug. 11	301-----	101 (3d proviso on p. 185).	65	185	40	77a	Expired. See note for § 77a of Title 40, U.S.C.
Aug. 29	356-----	2-----	65	208	50A	1012a	Executed. See note for § 1012a of Title 50A, U.S.C.
Aug. 31	374-----	101 (2d and 3d provisos on p. 227).	65	227	5	568b	Expired. Authorized transfer of research appropriations of Agricultural Research Administration during fiscal 1952.
Do-----	376-----	401 (last proviso on p. 289).	65	289	5	600b	Expired. See note for § 600b of Title 5, U.S.C.
Oct. 18	512-----	614-----	65	446	5	626y	Expired. See note for § 626y of Title 5, U.S.C.
Do-----	512-----	630-----	65	449	-----	-----	Expired. Authorized temporary positions in supergrades for Department of Defense for fiscal 1952. Temporary legislation expired with the Act and was not repeated in subsequent acts.
Oct. 22	533-----	103-----	65	581	5	154a	Expired. Authorized Secretary of State, in his absolute discretion, to remove employees in the Foreign Service or Department of State. See note for § 154a of Title 5, U.S.C.
Do-----	533-----	106-----	65	582	5	170d	Superseded. Authorized transportation of certain employees in foreign countries between home and office in Government owned vehicles. See note for § 170d of Title 5, U.S.C.
Do-----	533-----	606 (last sentence of 1st par.).	65	600	5	300c-1	Superseded. See note for § 300c-1, Title 5, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1951							
Oct. 22	533-----	606 (3d par.)----	65	601	5	592c	Superseded. See note for § 592c, Title 5, U.S.C.
Oct. 24	554-----	1(b)-----	65	612	5	1113 note	Executed. Provided for initial pay rate adjustments for employees affected by the pay increases.
Do-----	554-----	1(e)-----	65	613	5	1121	Superseded by the Act of Oct. 11, 1962, Pub. L. 87-793, § 603, 76 Stat. 847, which is carried into this revision.
Do-----	554-----	5(b)-----	65	615	5	631 note	Executed. Required report on pay and personnel practices followed overseas, from Civil Service Commission and Bureau of Budget to Congress. Report was made Apr. 1, 1952.
Do-----	554-----	6(a)-----	65	615	5	1113 note	Executed. Provided for effective date of the Act of which it was a part.
Do-----	554-----	6(b)-----	65	615	5	1113 note	Executed. Provided retroactive pay increases to certain persons under the 1951 salary increases.
Oct. 25	560-----	4(b)-----	65	637	3	202 note	Executed. Provided retroactive pay increases to certain persons under the 1951 salary increases.
Oct. 30	631-----	201-----	65	679	5	2061 note	Unnecessary. Provided short title for Annual and Sick Leave Act of 1951, which is carried into this revision.
Do-----	631-----	207-----	65	682			Executed and superseded. Subsec. (a) repealed certain provisions of existing laws and is executed. Subsec. (b) is superseded by the Act of Sept. 2, 1960, Pub. L. 86-682, 74 Stat. 649, 650; 39 U.S.C. 3552, 3557.
Do-----	631-----	208 (less (a))-----	65	682	5	2066	Executed. Provided for conversion of calendar days of leave to workday basis, for effect on other laws, and for rate of accrual of leave for certain employees in the postal service. Any existing rights are preserved by technical § 8 of this bill.
Do-----	631-----	209-----	65	683	5	2061 note	Executed. Provided effective date.
1952							
Apr. 5	159-----	2-----	66	44			Executed. Provided time limit for effecting transfer of loyalty investigation functions from Federal Bureau of Investigation to Civil Service Commission. Transfer has been completed.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1952							
Apr. 9	170	-----	66	50	-----	-----	Executed. Ratified certain unauthorized pay increases.
June 5	369	1101 (last 122 words and so much as relates to Administrative Assistant Secretary of Commerce of 2d proviso on p. 121).	66	121	5	245a, 295b, 483-1, 592a-2, 611c, 1116	Superseded. Placed position of Administrative Assistant Secretary of the Treasury, Administrative Assistant Attorney General, Administrative Assistant Secretary of the Interior, Administrative Assistant Secretary of Commerce, and Administrative Assistant Secretary of Labor at GS-18 under the Classification Act of 1949, and increased the statutory rate for other persons to a rate equal to that for GS-18. The position of Administrative Assistant Secretary of Commerce, which was created by § 3 of 1950 Reorg. Plan No. 3, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263, was abolished by the Act of July 2, 1954, ch. 456, title III, § 304, 68 Stat. 430, which repealed § 3. The Act of June 28, 1955, ch. 189, § 12(c)(16), 69 Stat. 182, repealed so much of the proviso as placed the Administrative Assistants in GS-18, but left them subject to the Classification Act. This provision is unnecessary, as their pay is now fixed by § 303(e) of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 420. The other persons who were thenceforth to be paid at the rate of GS-18 were those who were entitled, on June 4, 1952, to \$14,000 a year. These were those whose salaries were fixed by the Act of Oct. 15, 1949, ch. 695, § 6(a), 63 Stat. 881. The Act of Oct. 15, 1949, was superseded by the Act of July 31, 1956, ch. 804, title I, 70 Stat. 736, which fixed the salaries of all of these positions which still exist in excess of the rate for GS-18. The Act of July 31, 1956, was superseded by the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 400.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1952							
June 9	373-----	4-----	66	130			Executed. Authorized conversion of citizen employees of the office of the Recorder of Deeds to competitive status and provided that employees who failed of conversion might continue to serve for not more than 6 months from the date of the Act plus 30 days.
June 30	530-----	112-----	66	300	50A	2103	Expired. Created Wage Stabilization Board and provided for appointment, pay, powers, and duties of its members and employees. See note for Act of Sept. 8, 1950, ch. 932, § 463, 64 Stat. 807.
July 5	578-----	101 (2d full par. on p. 398).	66	398	5	638a	Superseded. Prohibited age limitations on appointment to competitive service and required temporary appointments for persons over 70. Superseded by Act of June 27, 1956, ch. 452, § 302, 70 Stat. 355, which is carried into this revision.
Do-----	578-----	301 (last proviso on p. 417).	66	417	5	600b	Expired. See note for § 600b of Title 5, U.S.C.
July 9	597-----	110-----	66	461			Obsolete. Authorized the Secretary of the Interior to place the position of Director, Division of the Budget and Finance, in GS-17 as long as the position was held by the present incumbent. The then incumbent no longer occupies the position.
July 10	630-----	614-----	66	533	5	626y	Expired. See note for § 626y of Title 5, U.S.C.
Do-----	630-----	640-----	66	538	5	171y	Executed. Required submission of tables of organization and equipment of Armed Forces by Secretary of Defense to Congress by Jan. 1, 1954.
Do-----	651-----	103-----	66	555	5	154a	Expired. Authorized Secretary of State, in his absolute discretion, to remove employees of the Foreign Service or Department of State. See note for § 154a of Title 5, U.S.C.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1952							
July 10	651-----	106-----	66	555	5	170d	Superseded. Authorized transportation of certain employees in foreign countries between home and office by Government-owned vehicles. See note for § 170d of Title 5, U.S.C.
Do....	651-----	109-----	66	555	22	1480	Superseded. Authorized Secretary of State to prescribe rates of per diem in lieu of subsistence for certain employees abroad. See note for § 1480 of Title 22, U.S.C.
July 12	702-----		66	592	3	202 note	Executed. Provided retroactive pay increases for certain deceased employees.
					5	1113 note	
					39	861a note	
July 14	728-----	3-----	66	627	5	1113 note	Executed. Provided for retroactive adjustment of certain pay rates and compensation of employees.
July 15	759-----		66	662	2	92b	Superseded. Provided retirement service credit for certain employees of House of Representatives upon death or resignation of Members, Delegates, or Commissioners, and retirement coverage for employees of Pan American Sanitary Bureau and for creditable service for service prior to effective date. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
					5	707 note	
July 16	878-----	1-----	66	710			Executed. Repealed existing law.
Do....	880-----	1-----	66	722	5	736c	Superseded. Provided annuity increases for retired employees or survivors. Superseded by § 401 of Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
Do....	880-----	2-----	66	723	5	731 note	Executed. Related to creation, composition, duties, etc., of Committee on Retirement Policy for Federal Personnel, and authorized Committee to appoint attorneys and other personnel. Report has been made and Committee dissolved.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1952 July 16	880-----	3-----	66	724	5	716	Superseded. Provided for waiver and revocation of waiver of retirement benefits. Superseded by § 401, title IV, of the Act of July 31, 1956. ch. 804, 70 Stat. 743, which is carried into this revision.
1953 Feb. 7	2-----		67	4	5	151a	Expired. Provided for appointment, tenure, and pay of Under Secretary of State for Administration until Dec. 31, 1954.
Apr. 4	17-----	1(f)-----	67	21	50A	1015	Executed. See note for § 1015 of Title 50A, U.S.C.
Do-----	17-----	2-----	67	21	50A	1001 note	Executed. Repealed prior law.
Do-----	19-----		67	22	5	693-1 note	Superseded. Amended 1930 Civil Service Retirement Act as to retirement survivorship benefits for Members of Congress. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
July 2	178-----	7-----	67	139			Executed. Repealed certain provisions of existing law.
Do-----	178-----	8-----	67	139			Executed. Provided effective date of the Act of which it was a part, which is carried into this revision.
July 10	184-----		67	142			Expired. Established Commission on Organization of the Executive Branch of the Government and provided for appointment, pay, and duties of Commission members and personnel. Expired Oct. 29, 1955, pursuant to § 9(b) of the Act, as amended by Act of May 23, 1955, ch. 44, 69 Stat. 64.
Do-----	185-----		67	145			Expired. Established Commission on Intergovernmental Relations, and provided for appointment, duties, and pay of members and employees. Expired June 30, 1955, pursuant to § 6 of the Act as amended Feb. 7, 1955, ch. 5, § 2, 69 Stat. 8.
July 23	239-----		67	186	5	693	Superseded. Provided for exclusion from Civil Service Retirement Act of certain temporary employees of Congress. Superseded by § 401, title IV, of the Act of July 31,

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed		Explanation
			Volume	Page	Title	Section	
1953 July 31	296	101 (1st proviso)	67	245			1956, ch. 804, 70 Stat. 743, which is carried into this revision. Superseded. Fixed pay of the Solicitor of Dept. of Labor at a rate equal to grade GS-18. Superseded by § 303 of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 418, which is carried into this revision.
Do.	302	101 (last 16 words under "Bureau of the Budget").	67	299	31	16a	Superseded. Provided that the salary of the two positions of Assistant Director of the Bureau of the Budget should be \$15,000 each per annum in lieu of GS-18. Superseded by § 303 of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 418.
Do.	302	101 (5th proviso on p. 300).	67	300	5	632 note	Executed. Abolished the Federal Personnel Council and transferred its personnel, files, etc., to the office of the Executive Director, Civil Service Commission.
Do.	302	101 (words between 1st and 2d semicolons in 2d par. on p. 302).	67	302			Obsolete. Provided that the salary of the Commissioner of Public Buildings should be \$16,500 per annum as long as the position was held by the present incumbent. The then incumbent no longer occupies the position.
Do.	302	101 (21 words before 1st semicolon in 1st full par. on p. 309).	67	309			Superseded. Provided that the salary of the Director of the National Advisory Committee for Aeronautics should be \$17,500 per annum so long as the position was held by the present incumbent. Superseded by § 106(a)(33) of the Act of July 31, 1956, 70 Stat. 737.
Aug. 1	305	636	67	356	5	171y	Executed. Required submission of tables of organization and equipment of Armed Forces by Secretary of Defense to Congress. Tables submitted to Congress by Jan. 1, 1954.
Do.	305	638	67	356			Expired. Provided positions in GS-16 to 18 during fiscal 1954.
Aug. 5	322	2	67	364			Executed. Provided that Commissioners of the District of Columbia in cooperation with District of Columbia Board of Education should

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1953 Aug- 5	328-----	105-----	67	371	5	170d	make a study of teachers' classification and pay scale and make report to Congress by Jan. 4, 1954. Superseded. Authorized transportation of certain employees in foreign countries between home and office by Government-owned vehicles Superseded by Act of Aug. 1 1956, ch. 841, § 11, 70 Stat. 892
Do....	328-----	108-----	67	371	22	1480	Superseded. Authorized Secretary of State to prescribe rates of per diem in lieu of subsistence for certain employees abroad. See note for § 1480 of Title 22, U.S.C.
Do....	328-----	202 (1st and 2d provisos, less applicability to special assistants and special attorneys).	67	375	28	508 note	Superseded. Authorized increased pay for U.S. attorneys, etc. Superseded by Act of Mar. 2, 1955, ch. 9, § 2(a), 69 Stat. 10.
Do....	328-----	401 (1st proviso on p. 385).	67	385	5	600b	Expired. See note for § 600b of Title 5, U.S.C.
Aug. 7	338-----	3(a)-----	67	408	50A	1941a	Obsolete. Established the Rubber Producing Facilities Disposal Commission and provided for appointment, qualifications, and pay of the commissioners. Made obsolete by E. O. 10678, eff. Sept. 24, 1956, 3 CFR, 1956 Supp., p. 85, which transferred the powers of the Commission to the Federal Facilities Corporation for liquidation.
Do....	338-----	6(a)-----	67	409	50A	1941d	Obsolete. Authorized the Rubber Producing Facilities Disposal Commission to employ persons and fix their compensation. Made obsolete by E.O. 10678, eff. Sept. 24, 1956, 3 CFR, 1956 Supp., p. 85, which transferred the powers of the Commission to the Federal Facilities Corporation for liquidation.
Do....	340-----	(3d proviso on p. 421).	67	421	-----	-----	Expired. Authorized Director of U.S. Information Agency to terminate the employment of certain persons above GS-7. Authority expired by its own terms on Jan. 1, 1954.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1953 Aug. 7	348-----	302, 305, 306, 308.	67	473, 474	19	1351 note	Expired. Provided for appointment, composition, duties, compensation, and travel expenses of the members of the Commission on Foreign Economic Policy; appointment and pay of personnel; and for date of expiration of Commission. Commission expired no later than July 5, 1954.
Do-----	352-----	-----	67	482	-----	-----	Superseded. Provided for retirement pay for judges of the Tax Court of the United States. Superseded by § 7447 of the Internal Revenue Code of 1954, Aug. 16, 1954, ch. 736, 68A Stat. 880.
Do-----	353-----	-----	67	485	2	31 note	Expired. Related to appointment, pay, duties, and travel expenses of members of the Commission on Judicial and Congressional Salaries. Commission terminated by its own terms when report was made. Report due on or before Jan. 15, 1954.
Aug. 8	396-----	3-----	67	506	22	1622	Executed. Related to appointment and pay of members of International Claims Commission. The International Claims Commission was abolished and its functions transferred to the Foreign Claims Settlement Commission by Reorg. Plan No. 1 of 1954, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279.
Aug. 14	485-----	3-----	67	582	5	852 note	Executed. Provided for the preservation of rights of preference eligibles who filed an application before effective date of the Act.
Do-----	485-----	4-----	67	582	5	852 note	Executed. Prescribed effective date of the Act of which it is a part.
1954 Jan. 30	3-----	-----	68	7	50A	1015	Executed. See note for § 1015 of Title 50A, U.S.C.
Feb. 10	6-----	3-----	68	12	48	1405y	Superseded. Provided for appointment and tenure of a judge and district attorney for the Virgin Islands. Superseded by the Act of July 22, 1954, ch. 558, 68 Stat. 497.
Feb. 20	13-----	2-----	68	18	5	59a note	Executed. Provided effective date for sec. 1 of the Act of which it was a part.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1954 Mar. 1	58-----	-----	68	20	-----	-----	Expired. Amended Act of July 10, 1953, ch. 185, 67 Stat. 145. See note for that Act.
Mar. 6	59-----	-----	68	21	5	693 note, 693-1, 698, 718	Superseded. Related to computation, eligibility, annuity amounts, refunds, creditable service, survivorship, commencement of annuity, and effective date for civil service retirement benefits for legislative employees. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this provision.
Apr. 30	177-----	3-----	68	65	-----	-----	Executed. Provided effective date of the Act of which it was a part, and repealed existing law.
June 24	359-----	101 (words between 4th and 5th semicolons in 1st par. on p. 283).	68	283	-----	-----	Obsolete. Prescribed salary at rate of GS-18 for special counsel of Housing and Home Finance Agency while position held by initial incumbent. Incumbent has left the position.
July 2	456-----	105-----	68	418	5	170d	Superseded. Authorized transportation of certain employees in foreign countries between home and office by Government-owned vehicles. See note for § 170d of Title 5, U.S.C.
Do-----	456-----	107-----	68	418	22	1480	Superseded. Authorized Secretary of State to prescribe rates of per diem in lieu of subsistence for certain employees abroad. See note for § 1480 of Title 22, U.S.C.
Do-----	456-----	202 (less applicability to special assistants and special attorneys).	68	421	28	508 note	Executed. Terminated minimum salaries for U.S. attorneys, etc. See note for Act of Aug. 5, 1953, ch. 328, § 202, 67 Stat. 375.
July 22	558-----	20(a)-----	68	505	48	1592	Superseded. Fixed pay of the Governor of the Virgin Islands. Superseded by the Act of July 31, 1956, ch. 804, title I, § 106, 70 Stat. 737, and the Act of Aug. 14, 1964, Pub. L. 88-426, §§ 305(1) and 309, 78 Stat. 422, 433.
Aug. 17	752-----	1-----	68	736	-----	-----	Unnecessary. Provided short title for the Federal Employees' Group Life Insurance Act of 1954, which is carried into this revision.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1954 Aug. 17	752	15	68	743			Executed. Provided effective date for the Federal Employees' Group Life Insurance Act of 1954, which is carried into this revision.
Aug. 31	1148		68	1004	5	707	Superseded. Limited title to civil service retirement annuities, service credit, refunds, etc. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
Do	1153		68	1007			Expired. Authorized payment of salary to any person given a recess appointment of Comptroller General prior to beginning of 84th Congress, and provided for termination of the authority.
Do	1165		68	1043	5	724 note, 2259 note	Superseded. Provided that the retirement annuity increases of 1952 be made permanent, and extended the increases to additional annuities purchased by voluntary contributions. Superseded by § 401, title IV, of the Act of July 31, 1956, ch. 804, 70 Stat. 743, which is carried into this revision.
Sept. 1	1208	101(b)	68	1105	5	1105 note	Executed. Provided that sec. 505 of the Classification Act of 1949, as amended by this section, would not affect positions allocated to GS-16, 17, and 18 pursuant to provisions of law (other than the Classification Act of 1949, as amended) and reorganization plans in effect prior to the effective date of this section. Any existing rights are preserved by technical § 8 of this bill.
Do	1208	102,103	68	1105	5	1123, 1124	Superseded by the Act of Oct. 11, 1962 Pub. L. 87-793, § 603, 76 Stat. 847, which is carried into this revision.
Do	1208	106	68	1107	5	1112 note	Executed. Provided for transfer of certain positions in Crafts, Protective, and Custodial Schedule to the General Schedule.
Do	1208	110	68	1108	5	1082 note, 1111 note	Executed. Provided for effective dates of certain sections of the Act of which it is a part.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1954 Sept. 1	1208	111	68	1108	5	1114	Executed. See note for § 1114 of Title 5, United States Code.
Do	1208	112 (less applicability to § 802(b)).	68	1108	5	1123	Superseded by the Act of Oct. 11, 1962, Pub. L. 87-793, § 603, 76 Stat. 847, which is carried into this revision.
Do	1208	114	68	1108	5	1114 note	Unnecessary. Provided that act of which it is a part should not be construed to reduce the pay of an incumbent, but subsequent appointees are to be paid in accordance with the Act. Covered by § 5332 and technical § 8 of this bill.
Do	1208	115	68	1109	5	1081 note	Unnecessary. Defined "department".
Do	1208	201	68	1109	5	901 note	Unnecessary. Provided short title for Title II of the Act of which it was a part.
Do	1208	202(b)	68	1109	5	901	Executed. Repealed prior law.
Do	1208	208(b)	68	1111	5	926 note	Executed. Provided that subsection (a) of the section of which it was a part should not be construed to decrease the existing aggregate rate of compensation of any present employee. Any existing rights are preserved by technical § 8 of this bill.
Do	1208	211	68	1112	5	901 note	Executed. Provided effective date of Title II of the Act of which it was a part.
Do	1208	301	68	1112	5	2121 note	Unnecessary. Provided short title for the Government Employees Incentive Awards Act, which is carried into this revision.
Do	1208	305	68	1113	5	2121 note	Executed. Repealed prior statutes dealing with incentive awards.
Do	1208	306	68	1114	5	2121 note	Executed. Provided for preservation of existing rights to incentive awards. Covered by technical § 8 of this bill.
Do	1208	307	68	1114	5	2121 note	Executed. Provided effective date for Government Employees Incentive Awards Act.
Do	1208	401	68	1114	5	2131 note	Unnecessary. Provided short title for the Federal Employees Uniform Allowance Act, which is carried into this revision.
Do	1208	502	68	1115			Executed. Repealed certain provisions of existing law.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1954							
Sept. 1	1208----	503-----	68	1115	5	61g note	Executed. Provided effective date for § 501 of the Act of which it was a part.
Do----	1208----	601(b)-----	68	1115			Executed. Repealed provisions relating to scientific and professional positions in the Central Intelligence Agency.
Do----	1214----	1-9-----	68	1142-1145	5	2231-2238	Superseded. Prohibited payment of annuities to officers and employees of the United States convicted of certain offenses. Superseded by the Act of Sept. 26, 1961, Pub. L. 87-299, § 1, 75 Stat. 640, which is carried into this revision.
Sept. 3	1263----	13-----	68	1230	5	645a	Obsolete. Amended Act of July 31, 1946, ch. 714, 60 Stat. 749, see note for that Act; and repealed prior law.
Do----	1263----	14-----	68	1231	5	800	Executed. Preserved rights of beneficiaries of officers of Public Health Service killed between Dec. 7, 1941, and Nov. 11, 1943. Executed and covered by technical § 8 of this bill.
1955							
Jan. 20	2-----	-----	69	3			Expired. Amended Act of July 10, 1953, ch. 184, 67 Stat. 142. See note for that Act.
Jan. 25	3-----	401-----	69	6	5	118j-1	Superseded. Prohibited use of appropriations to pay employees who strike or assert the right to strike against the Government, or who advocate the overthrow of the Government. Superseded by Act of Aug. 9, 1955, ch. 690, 69 Stat. 624.
Feb. 7	5-----	-----	69	7			Expired. Amended Act of July 10, 1953, ch. 185, 67 Stat. 145. See note for that Act.
May 23	44-----	-----	69	64			Expired. Amended Act of July 10, 1953, ch. 184, 67 Stat. 142. See note for that Act.
June 16	144-----	-----	69	137			Obsolete. Created the Boston National Historic Sites Commission to investigate feasibility of establishing a coordinated local, State, and Federal program in Boston, Mass., and vicinity to preserve colonial and revolutionary properties, objects, and buildings in that area

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1955 June 28	189	1	69	172	5	1113 note	which form outstanding examples of America's historical heritage. Ceased to exist on June 16, 1960, pursuant to Act of Feb. 19, 1957, as amended (71 Stat. 4, 72 Stat. 296, 73 Stat. 279). Unnecessary. Provided short title of the Act of which it was a part.
Do	189	2(b)-(d)	69	173-175	5	1113 note	Executed. Provided for initial adjustment of pay increases.
Do	189	2(e)	69	175	5	1124	Superseded by the Act of Oct. 11, 1962, Pub. L. 87-793, § 603, 76 Stat. 847, which is carried into this revision.
Do	189	9	69	179	5	1113 note	Executed and superseded. Provided limitation on salary increases and salary maximum. Executed in part and superseded by the Act of July 31, 1956, ch. 804, title I, § 114(a), 70 Stat. 740, and subsequent Acts providing salary increases.
Do	189	10	69	179	5	1113 note	Executed. Provided for retroactive pay increases.
Do	189	11	69	179			Superseded. Provided against dual pay increases. Superseded by Act of June 20, 1958, Pub. L. 85-426, 72 Stat. 203.
Do	189	12(b)	69	180	5	1105 note	Executed. Provided that positions in GS-16, 17, and 18 immediately prior to the effective date of this section should remain in their respective grades until other action is taken under sec. 505 of the Classification Act of 1949, as amended by this section. Also repealed parts of certain laws and reorganization plans. Any existing rights are preserved by technical § 8 of this bill.
Do	189	13	69	183	5	1113 note	Executed. Provided effective date of the Act of which it was a part.
June 30	244	101 (1st and 2d provisos under "Civil Service Commission")	69	199	5	636	Expired. Prohibited details to Civil Service Commission, except boards of examiners, and authorized Civil Service Commission, during fiscal 1956, to transfer or detail employees between its central and field offices. Similar provisions were contained in the Acts of June 24, 1954, ch. 359, title I, § 101, 68 Stat. 278;

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
							<p>July 31, 1953, ch. 320, title I, § 101, 67 Stat. 299; July 5, 1952, ch. 578, title I, § 101, 66 Stat. 397; Aug. 31, 1951, ch. 376, title I, § 101, 65 Stat. 270; Sept. 6, 1950, ch. 896, ch. VIII, title I, § 101, 64 Stat. 701; Aug. 24, 1949, ch. 506, title I, § 101, 63 Stat. 635; Apr. 20, 1948, ch. 219, title I, § 101, 62 Stat. 179; July 30, 1947, ch. 359, title I, § 101, 61 Stat. 590; Mar. 28, 1946, ch. 113, title I, § 101, 60 Stat. 63; May 3, 1945, ch. 106, title I, § 101, 59 Stat. 109; June 27, 1944, ch. 286, title I, § 101, 58 Stat. 363; June 26, 1943, ch. 145, title I, § 101, 57 Stat. 175; June 27, 1942, ch. 450, § 1, 56 Stat. 397; Apr. 5, 1941, ch. 40, § 1, 55 Stat. 96; Apr. 18, 1940, ch. 107, § 1, 54 Stat. 117; Mar. 16, 1939, ch. 11, § 1, 53 Stat. 528; May 23, 1938, ch. 259, § 1, 52 Stat. 413; June 28, 1937, ch. 396, § 1, 50 Stat. 332; Mar. 19, 1936, ch. 156, § 1, 49 Stat. 1170; Feb. 2, 1935, ch. 3, § 1, 49 Stat. 8; Mar. 28, 1934, ch. 102, title I, § 1, 48 Stat. 512; June 16, 1933, ch. 101, § 1, 48 Stat. 287; June 30, 1932, ch. 330, § 1, 47 Stat. 456; Feb. 23, 1931, ch. 281, § 1, 46 Stat. 1358; Apr. 19, 1930, ch. 201, § 1, 46 Stat. 232; Feb. 20, 1929, ch. 270, § 1, 45 Stat. 1234; May 16, 1928, ch. 580, § 1, 45 Stat. 576; Feb. 11, 1927, ch. 104, § 1, 44 Stat. 1073; Apr. 22, 1926, ch. 171, § 1, 44 Stat. 3083; Mar. 3, 1925, ch. 468, § 1, 43 Stat. 1200; June 7, 1924, ch. 292, § 1, 43 Stat. 523; Feb. 13, 1923, ch. 72, § 1, 42 Stat. 1229; June 12, 1922, ch. 218, § 1, 42 Stat. 638; Mar. 3, 1921, ch. 124, § 1, 41 Stat. 1262; May 29, 1920, ch. 214, § 1, 41 Stat. 641; Mar. 1, 1919, ch. 86, § 1, 40 Stat. 1223; July 3, 1918, ch. 130, § 1, 40 Stat. 769; Mar. 3, 1917, ch. 163, § 1, 39 Stat. 1081; May 10, 1916, ch. 117, § 1, 39 Stat. 76; Mar. 4,</p>

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1955 June 30	244	101 (words between 5th and 6th semi-colons in 2d full par. on p. 206).	69	206			1915, ch. 141, § 1, 38 Stat. 1007; July 16, 1914, ch. 141, § 1, 38 Stat. 465; Mar. 4, 1913, ch. 142, § 1, 37 Stat. 750; Aug. 23, 1912, ch. 350, § 1, 37 Stat. 372; Mar. 4, 1911, ch. 237, § 1, 36 Stat. 1185; June 17, 1910, ch. 297, § 1, 36 Stat. 483; Mar. 4, 1909, ch. 297, § 1, 35 Stat. 861; May 22, 1908, ch. 186, § 1, 35 Stat. 197; Feb. 26, 1907, ch. 1635, § 1, 34 Stat. 948; June 22, 1906, ch. 3514, § 1, 34 Stat. 401; Feb. 3, 1905, ch. 297, § 1, 33 Stat. 643.
Do	254		69	238	50A	1015	Obsolete. Provided that the salary of the General Counsel of Housing and Home Finance Agency should be at rate of GS-18 so long as the position was held by the present incumbent. The then incumbent no longer holds the position.
July 7	279	101 (3d proviso on p. 265).	69	265	5	152d	Executed. See note for § 1015 of Title 50A, U.S.C.
Do	279	105	69	270	5	170d	Obsolete. Provided that the position of Budget Officer of the Department of State should be in GS-18 as long as held by the incumbent. The then incumbent has left the position.
Do	279	107	69	270	22	1480	Superseded. Authorized transportation of certain employees in foreign countries between home and office by Government-owned vehicles. See note for § 170d of Title 5, U.S.C.
Do	279	201 (last proviso on p. 270).	69	270	5	295b note	Superseded. Authorized Secretary of State to prescribe rates of per diem in lieu of subsistence for certain employees abroad. See note for § 1480 of Title 22, U.S.C.
Do	279		69	270	5	295b note	Superseded. Provided that the pay of the Administrative Assistant Attorney General should be \$17,500 as long as the position was held by the present incumbent. Superseded by Act of Aug. 14, 1964, Pub. L. 88-426, § 303(e), 78 Stat. 420, which is carried into this revision.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1955 July 7	279	201 (2d proviso on p. 272).	69	272			Superseded. Provided that the five assistant commissioners of the Immigration and Naturalization Service should be paid at the rate of Grade GS-16 so long as the positions were held by the present incumbents. Superseded by the Act of June 20, 1956, ch. 414, title II, § 201 (1st proviso on p. 307), 70 Stat. 307.
Do.	279	201 (3d proviso on p. 273).	69	273			Superseded. Fixed pay of position of Director of Bureau of Prisons while held by the incumbent. Superseded by Act of Aug. 14, 1964, Pub. L. 88-426, § 303(e), 78 Stat. 420.
July 13	358	633	69	320	5	171d-2	Expired. Authorized additional positions in GS-16, 17, and 18 for the Department of Defense for fiscal 1956.
Aug. 5	570	5	69	531			Executed. Provided for retroactive pay increase.
Do.	576	3	69	537	5	151a note	Executed. Provided for initial filling of two of the positions of Deputy Under Secretary of State established by the Act.
Aug. 9	690	4	69	625			Executed. Repealed prior law.
Aug. 11	783	113	69	642	12	1701d-2	Superseded. Fixed pay of Community Facilities Commissioner, Housing and Home Finance Agency. Superseded by Acts of July 31 1956, ch. 804, title I, § 106(a), 70 Stat. 737, and Aug. 14, 1964, Pub. L. 88-426, § 303(d), 78 Stat. 418.
Do.	794	2(b)	69	677	5	2095 note	Executed. Provided effective date for subsection (a) of the section of the Act of which it was a part, which is carried into this revision.
Do.	807		69	692	5	2259 note, 693-1 note	Superseded. Provided increased annuities for persons retired under 1930 Civil Service Retirement Act. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision. Existing rights are preserved by technical § 8 of this bill.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1955 Aug. 12	866		69	709	5	631 note	Executed. Provided for conversion to competitive status of certain employees of the United States or of the District of Columbia, upon application made before Nov. 10, 1955, and authorized reappointment without competitive examination before Aug. 12, 1957.
1956 May 28	327	209	70	201	7	1858	Executed. Established Commission on Increased Industrial Use of Agricultural Products; provided for appointment and pay of its members and employees; prescribed its duties; and directed its termination not later than June 15, 1957.
Do	328	2	70	213	5	2095 note	Executed. Provided effective date for § 1 of the Act of which it was a part, which is carried into this revision.
June 4	357		70	242	5	707 note	Superseded. Amended 1930 Civil Service Retirement Act to provide survivor annuity. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
Do	363		70	246	28	1346 note	Expired. Conferred jurisdiction on U.S. district courts of certain civil actions, to recover pay of employees, which had been dismissed, upon application before June 4, 1957.
June 20	414	105	70	304	5	170d	Superseded. Authorized transportation of certain employees in foreign countries between home and office by Government-owned vehicles. See note for § 170d of Title 5, U.S.C.
Do	414	107	70	304	22	1480	Superseded. Authorized Secretary of State to prescribe rates of per diem in lieu of subsistence for certain employees abroad. See note for § 1480 of Title 22, U.S.C.
June 25	446		70	338			Executed. Established special pay period for Metropolitan Police, White House Police, and U.S. Park Police from June 27 to June 30, 1956.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1966 June 27	452-----	101 (last 26 words of 4th par. on p. 345).	70	345	5	630j	Obsolete. Provided that the salary of the Comptroller of the General Services Administration should be at the salary rate of GS-18 as long as the position is held by the present incumbent. The then incumbent has left the position.
July 11	554-----	3-----	70	520	5	70a note	Unnecessary. Provided short title for the Act of which it was a part, which is carried into this revision.
July 20	658-----	-----	70	595	50A	1015	Executed. See note for § 1015 of Title 50A, U.S.C.
July 25	730-----	2-----	70	652	5	642a note	Executed. Provided effective date for the Act of which it was a part.
July 28	770-----	16-----	70	707	22	867 note	Executed. Provided for initial reclassification of Foreign Service Officers. Existing rights are preserved by technical § 8 of this bill.
July 31	804-----	202-----	70	742	5	632 note	Executed. Provided effective date for Title II of the Act of which it was a part.
Do-----	804-----	301 (as applicable to General Counsel of the Post Office Department).	70	742	5	364-1	Executed and superseded. Executed in part, remainder superseded by § 307 of Title 39, U.S.C.
Do-----	804-----	*401 ("Sec. 18")	70	760	5	2251 note	Unnecessary. Provided short title for the section of which it was a part, which is carried into this revision.
Do-----	804-----	403-----	70	760	5	2251 note	Executed. Preserved existing rights of persons retired or separated before effective date of the Act. Existing rights are preserved by technical § 8 of this bill.
Do-----	804-----	404-----	70	760	5	2253 note	Executed. Provided that service performed in office of Vice President by a person holding such office on the effective date of the title of the Act shall be considered service during which he was subject to the Civil Service Retirement Act for the purpose of § 3(g) thereof. Executed and existing rights are preserved by technical § 8 of this bill.

*Redesignated as Sec. 19 by Act of Oct. 11, 1962, Pub. L. 87-793, § 1102(b), 76 Stat. 869.

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1956 July 31	804-----	405-----	70	761	5	2283	Superseded. Provided forfeiture of annuities of persons remaining outside the United States to avoid prosecution. Superseded by the Act of Sept. 26, 1961, Pub. L. 87-299, § 1, 75 Stat. 640, which is carried into this revision.
Do-----	804-----	406-----	70	761	5	2251 note	Executed. Provided effective date for title IV of the Act of which it was a part.
Do-----	804-----	407-----	70	761	5	2251 note	Unnecessary. Provided short title for title IV of the Act of which it was a part.
Do-----	804-----	501(a)-----	70	761	5	1161	Superseded. Superseded by the Act of Oct. 4, 1961, Pub. L. 87-367, title II, § 202, 75 Stat. 789, which is carried into this revision.
Do-----	804-----	501(b)-----	70	762			Executed. Provided that the amendment made by subsec. (a) of the section should not affect any position existing immediately prior to the effective date of the amendment, the compensation attached to such position, and any incumbent thereof, his appointment thereto, and his right to receive compensation attached thereto, until appropriate action was taken in accordance with the subsection. The action has been taken and any existing rights are preserved by technical § 8 of this bill.
Aug. 2	901-----	2-----	70	956	5	2091 note	Executed. Provided effective date for § 1 of the Act of which it was a part, which is carried into this revision.
Aug. 3	926-----	1 ("Sec. 3(d)")--	70	981	5	803	Executed. See note for § 803 (d) of Title 5, United States Code.
Aug. 10	1041-----	21 (1st sentence of § 302).	70A	629	5	171c-2	Superseded. Provided that compensation of Assistant Secretaries of Defense is that prescribed by law for assistant secretaries of executive departments. The Act of Aug. 10, 1956, ch. 1041, § 49 (a), 70A Stat. 640, provided, in part, that laws effective after Mar. 31, 1955, that are inconsistent with this Act shall be considered as superseding it to the extent of the inconsistency. The Act of

TABLE II-b.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1956 Aug. 10	1041-----	28-----	70A	631	5	1161, 1163	July 31, 1956, ch. 804, title I, § 106(a)(13), 70 Stat. 738, which was such a law provided for the compensation of the Assistant Secretaries of Defense. Such compensation is now fixed by § 303 of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 418. Superseded. Superseded by the Act of Oct. 4, 1961, Pub. L. 87-367, title II, § 202, 75 Stat. 789, which is carried into this revision.
Date	Public Law	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1957 Feb. 19	85-5-----		71	4			Obsolete. See note for Act of June 16, 1955, ch. 144, 69 Stat. 137.
June 17	85-56-----	2201(17)-----	71	159	5	948	Obsolete. See note for § 948 of title 5, U.S.C.
June 29	85-65-----	2-----	71	209	5	2251 note	Executed. Amended § 403 of the Act of July 31, 1956, ch. 804, title IV, 70 Stat. 760. See note for § 403 of that Act.
Do-----	85-65-----	3-----	71	209	5	2251 note	Executed. Provided effective date for § 1 of the Act of which it was a part, which is carried into this revision.
Aug. 7	85-121-----		71	341	50A	1015	Executed. See note for § 1015 of Title 50A, U.S.C.
Aug. 26	85-167-----	205 (words after 2d semicolon).	71	423	5	483-1 note	Superseded by § 3(b) of Pub. L. 86-370, Sept. 23, 1959, 73 Stat. 651.
Aug. 28	85-170-----	314-----	71	430	5	2205 note	Superseded. Fixed pay of the General Counsel of the Department of Defense. Superseded by § 303 of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 418.
Do-----	85-184-----		71	466			Expired Aug. 28, 1961, by its own terms.
Aug. 29	85-217-----	1(b) (less 1st par.).	71	492	50A	1002	Executed. See note for § 1002(b), (c) of Title 50A, U.S.C.
Do-----	85-217-----	1(e)-----	71	493	50A	1015	Executed. See note for § 1015 of Title 50A, U.S.C.
Do-----	85-217-----	2-----	71	494	50A	1002 note	Executed. Provided effective date for § 2(b) of the Missing Persons Act.

TABLE II-b.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1958 Mar. 17	85-349	-----	72	48	50	160f	Obsolete. Amended the Act of Apr. 11, 1950, ch. 86, § 6, 64 Stat. 43, which Act was repealed by Act of July 7, 1958, Pub. L. 85-507, § 21(b)(5), 72 Stat. 337.
May 29	85-432	4(c)-----	72	151	5	1132 note	Executed. Prescribed effective date for § 4 of the Act of which it is a part, which is carried into this revision.
June 20	85-462	1-----	72	203	5	1113 note	Unnecessary. Provided short title of the Act of which it was a part.
Do----	85-462	2(b)-----	72	203	5	1113 note	Executed. Provided for initial adjustment of pay to effect pay increases provided by the Act. Existing rights are preserved by technical § 8 of this bill.
Do----	85-462	4(i)-----	72	208	5	932d(e)	Executed. Limited retroactive pay increases provided by the Act of which it is a part.
Do----	85-462	4(q)-----	72	209	-----	-----	Executed. Increased the limitations for folding documents in Act of July 1, 1957, 71 Stat. 249.
Do----	85-462	7-----	72	212	5	1113 note	Executed. Provided exception to the Antideficiency Act to permit administrative pay raises equivalent to those provided by the Act for other positions. Applied only to fiscal 1958 and 1959.
Do----	85-462	8-----	72	212	5	1113 note	Executed. Provided retroactive pay under certain conditions.
Do----	85-462	12(a)-(d)-----	72	213A	10 5	1581 note 1161, 1163	Superseded. Superseded in part by the Act of May 29, 1959, Pub. L. 86-36, §§ 3, 4, 73 Stat. 63. Superseded in part by the Act of Oct. 4, 1961, Pub. L. 87-367, title II, § 202, 75 Stat. 789, which is carried into this revision.
Do----	85-462	13(b)-----	72	214	5	1112 note	Executed. Provided that the Civil Service Commission should exercise its authority to issue such standards or regulations as may be necessary for the administration of subsec. (a) of this section. The regulations have been issued and continuing authority to issue regulations is provided in § 5115 of this revision.

TABLE II-b.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1958 June 20	85-462	14-----	72	214	5	1113 note	Unnecessary. Expressed the intent of Congress that appropriations for cooperative agricultural extension work, etc., should be sufficient to provide pay raises for persons employed in the work.
Do....	85-462	17-----	72	215	5	1113 note	Executed. Provided effective date for Act of which it was a part.
July 3	85-499	-----	72	296	-----	-----	Obsolete. See note for Act of June 16, 1955, ch. 144, 69 Stat. 137.
July 7	85-507	1-----	72	327	5	2301 note	Unnecessary. Provided short title for the Act of which it is a part, which is carried into this revision.
Do....	85-507	20-----	72	337	5	2301 note	Executed. Provided for continuation of training programs initiated before effective date of the Act of which it is a part. Existing rights are preserved by technical § 8 of this bill.
Do....	85-507	21(a)-----	72	337	-----	-----	Executed. Provided effective date for repeal and amendment of certain laws.
Do....	85-507	22-----	72	338	5	2301 note	Unnecessary. Provided for preservation of contractual rights under training agreements. Insofar as it has prospective application it is covered by technical § 8 of this bill.
July 18	85-538	2-----	72	398	5	150k-1 note	Executed. Provided that § 1 of the Act of which it was a part, which is carried into this revision, would not apply to injuries incurred before the effective date of the Act. Covered by technical § 8 of this bill.
Do....	85-538	3-----	72	398	5	150k-1 note	Executed. Provided effective date for the Act of which it was a part, which is carried into this revision.
Aug. 8	85-608	303-----	72	539	5	801 note	Executed. Repealed existing law.
Aug. 14	85-661	2-----	72	615	5	2262 note	Executed. Provided effective date for § 1 of the Act of which it was a part, which is carried into this revision.
Aug. 23	85-737	2-----	72	831	5	1107 note	Executed. Preserved saved rates of pay. Existing rights are preserved by technical § 8 of this bill.

TABLE II-b.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1958 Aug. 27	85-772	1(e)-----	72	930	5	2254 note	Executed. Provided effective date for section of which it was a part, which is carried into this revision.
Do....	85-772	2-----	72	930			Executed. Provided that George Morris Fay shall be considered to have retired for disability on May 31, 1957, for purposes of the Civil Service Retirement Act, and provided for survivor annuity for his wife. Existing rights are preserved by technical § 8 of this bill.
Aug. 28	85-795	1-----	72	959	5	2331 note	Unnecessary. Provided short title for the Act of which it was a part, which is carried into this revision.
Do....	85-795	6-----	72	962	5	2331 note	Executed. Provided effective date for the Federal Employees International Organization Service Act, which is carried into this revision. Also provided that certain employees could elect coverage under the Act. Existing rights are preserved by technical § 8 of this bill.
Do....	85-795	7-----	72	962	22	2025 note	Executed. Repealed § 6(a) of the International Atomic Energy Agency Participation Act of 1957, and preserved the rights and benefits of certain employees. Existing rights are preserved by technical § 8 of this bill.
Do....	85-848	1-----	72	1087	42	1371 note	Unnecessary. Provided short title for the Act of which it was a part, which is carried into this revision.
Do....	85-850	-----	72	1090			Obsolete. Established the United States Study Commission on the Savannah, Altamaha, Saint Marys, Apalachicola-Chattahoochee, and Perdido-Escambia River Basins and intervening areas, provided for its duties and privileges, for the appointment and pay of personnel, and for its termination within in three months after the submission of its final report to the President. The final report was submitted on Sept. 24, 1963, and the Commission terminated activities on Dec. 23, 1963, see 29 F.R. 2314, Feb. 8, 1964.

TABLE II-b.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1958 Sept. 2	85-857	13(k)-----	72	1265	5	948	Obsolete. See note for § 948 of Title 5, U.S.C.
Do	85-872	4-----	72	1697	5	1184	Executed. Provided that Act of which it is a part should not apply to wage surveys ordered before Sept. 1, 1958.
1959 May 29	86-36	7-----	73	64	50	402 note	Executed and superseded. Provided for reduction of total number of positions authorized by § 505(b) of the Classification Act of 1949, as amended, to be placed in GS-16, 17, and 18 by number of positions in such grades allocated to National Security Agency immediately prior to effective date of the section. Executed and superseded by the Act of Oct. 4, 1961, Pub. L. 87-367, title I, § 102, 75 Stat. 786, which is carried into this revision.
July 17	86-91	11-----	73	217	5	2351 note	Executed. Related to savings provisions. Existing rights are preserved by technical § 8 of this bill.
Do	86-91	12-----	73	217	5	2351 note	Executed. Provided effective date of the Act of which it was a part.
July 31	86-122	3(a)-----	73	268	-----	-----	Executed. Provided effective date for § 2(a) of the Act of which it was a part.
Aug. 4	86-134	-----	73	279	-----	-----	Obsolete. See note for Act of June 16, 1955, ch. 144, 69 Stat. 137.
Aug. 14	86-153	201 (proviso on p. 354).	73	354	5	2205 note	Superseded. Provided that the rate of compensation of the General Counsel, Department of Health, Education, and Welfare should be prescribed by 5 U.S.C. 623b(a) as long as the position is held by the present incumbent. Superseded by Act of Aug. 14, 1964, Pub. L. 88-426, § 303(d), 78 Stat. 418, which is carried into this revision.
Aug. 29	86-211	8(b)-----	73	436	5	948	Obsolete. See note for § 948 of Title 5, U.S.C.
Sept. 21	86-306	2-----	73	584	5	2253 note	Executed. Existing rights preserved by technical § 8 of this bill.
Sept. 22	86-362	3-----	73	644	5	87c note	Executed. Provided effective date for Act of which it was a part, which is carried into this revision.

TABLE II-b.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1959 Sept. 23	86-370	2(c)-----	73	651	5	1105 note	Executed. Provided that existing positions, compensation, and appointments under § 505(b) of the Classification Act of 1949, as amended, would not be affected by this section until action was taken under this section. Any existing rights are preserved by technical § 8 of this bill.
Do....	86-370	4-----	73	651	5	1161	Superseded. Superseded by the Act of Oct. 4, 1961, Pub. L. 87-367, title II, § 202, 75 Stat. 789, which is carried into this revision.
Do....	86-370	7-----	73	653			Executed. Prescribed effective date of portions of the Act of which it was a part.
Do....	86-377	1(c)-----	73	700	5	1105 note	Executed. Provided that the section should not affect any position existing immediately prior to the effective date of the Act, the compensation attached to such position, and any incumbent thereof, his appointment thereto, and his right to receive compensation attached thereto, until appropriate action was taken in accordance with subsec. (a). The action has been taken and any existing rights are preserved by technical § 8 of this bill.
Do....	86-377	4(a)-----	73	701	5	2092	Executed. Repealed § 3(d) of the Act of Aug. 17, 1954, ch. 752, 68 Stat. 737.
Do....	86-377	4(e)-----	73	701	5	2092 note	Executed. Provided effective date of amendments were inapplicable in any case in which the employee's death or retirement occurred prior to date of enactment, and that salary withholdings were not required prior to first day of first pay period beginning after date of enactment. Any existing rights are preserved by technical § 8 of this bill.
Do....	86-379	2, 3-----	73	703	40	193w note	Executed. Provided pay adjustments for certain members of the police force for the National Zoological Police Force, and effective date of the Act. Existing rights are preserved by technical § 8 of this bill.

TABLE II-b.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1959							
Sept. 28	86-382	1-----	73	708	5	3001 note	Unnecessary. Provided short title of the Act of which it was a part.
Do....	86-382	9(a)-----	73	715	5	3008	Executed. See note for § 3008(a) of Title 5, U.S.C.
Do....	86-382	16-----	73	717	5	3001 note	Executed. Prescribed effective date of the Act of which it was a part.
1960							
Apr. 22	86-442	1-----	74	81	42	1365 note	Executed. Repealed existing law.
June 8	86-500	403-----	74	183	5	171a note	Executed. Repealed § 7 of Pub. L. 85-325, as amended by § 9(b) of Pub. L. 85-599.
June 29	86-533	(1)-----	74	245	-----	-----	Executed. Repealed existing law.
July 1	86-568	111-----	74	298	5	1113 note	Executed. Provided short title for the part of the Act of which it was a part.
Do....	86-568	112(b)-----	74	298	5	1113 note	Executed. Provided for initial adjustment of pay increases.
Do....	86-568	115(b)(2)-----	74	302	5	2252 note	Executed. Existing rights preserved by technical § 8 of this bill.
Do....	86-568	122-----	74	304	-----	-----	Executed. Provided effective date of Act of which it was a part.
July 5	86-587	2-----	74	328	5	73b-3 note	Executed. Provided effective date of Act which it was a part, which is carried into this revision.
July 7	86-604	2-----	74	359	5	2251 note	Executed. Amended § 403 of the Act of July 31, 1956, ch. 804, title IV, 70 Stat. 760. See note for § 403 of that Act.
Do....	86-604	4-----	74	359	5	2267 note	Executed. Existing rights preserved by technical § 8 of this bill.
July 12	86-622	1(b)-----	74	409	5	2261 note	Executed. Provided that amendment made by subsec. (a) should be effective only with respect to employees or Members separated after the date of enactment of the Act.
Do....	86-622	4-----	74	410	5	2260 note	Executed. Amended § 603(d) (1)(B) of Legislative Reorganization Act of 1946, as amended. See note for Act of Mar. 6, 1954, ch. 59, 68 Stat. 21.
Do....	86-622	5-----	74	410	5	2267 note	Executed. Existing rights preserved by technical § 8 of this bill.
Do....	86-626	101 (last 25 words of 2d full par. on p. 427).	74	427	-----	-----	Executed. Repealed 5 U.S.C. 654.

TABLE II-b.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1960							
Sept. 6	86-707	1-----	74	792	5	3031 note	Unnecessary. Provided short title for titles I to V of the Act of which it was a part.
Do---	86-707	403-----	74	800	5	2061 note	Executed. Provided effective date for amendments to the Annual and Sick Leave Act of 1951, as amended, made by the Act of which it was a part.
Do---	86-707	501(b)-----	74	800	5	3031 note	Obsolete. Made appropriations or funds available for fiscal year ending June 30, 1960, available for the purposes of the Act of which it was a part.
Do---	86-707	511(a)(2)-----	74	800	5	170g, 170r, 170s	Executed. Repealed 5 U.S.C. 170g(b), 170r, and 170s.
Do---	86-713	2-----	74	814	5	2260 note	Executed. Existing rights preserved by technical § 8 of this bill.
Sept. 13	86-767	1-----	74	906	5	756 note	Unnecessary. Provided short title for the Act of which it was a part.
Do---	86-767	104-----	74	906	5	790 note	Executed. Provided increase of compensation base where injury occurred before Jan. 1, 1958. Existing rights are preserved by technical § 8 of this bill.
Do---	86-767	105-----	74	907	5	796	Executed. Increased minimum and maximum compensation for employees of Federal Civil Works Administration, whose activities terminated Mar. 31, 1934. Existing rights are preserved by technical § 8 of this bill.
Do---	86-767	211-----	74	910	5	756 note	Executed. Provided effective date for Act of which it was a part.
Do---	86-778	535 (2d sentence).	74	985	-----	-----	Executed. Provided effective date for provisions of statute, which are carried into this revision.
1961							
Sept. 21	87-270	101(b)-----	75	567	5	1107 note	Executed. Provided effective date for subsec. (a) of the section, which is carried into this revision.
Do---	87-270	102-----	75	567	5	1107 note	Executed. Provided for retroactive pay, validation of payments, relations of pay to Civil Service Retirement Act and Federal Employees' Group Life Insurance Act. Existing rights are preserved by technical § 8 of this bill.

TABLE II-b.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1961 Sept. 21	87-270--	103-----	75	569	5	1107 note	Executed. Related to effect on other laws and provided savings provisions. Existing rights are preserved by technical § 8 of this bill.
Sept. 26	87-299--	1 ("Sec. 11")----	75	648	5	2281 note	Unnecessary. Contained severability provisions. Covered by technical § 7 of this bill.
Do----	87-304--	7-----	75	664	5	3077	Executed. Continued authority to make allotments and assignments in accordance with provisions of law amended or repealed by the Act of which it was a part. Authority expired not later than Mar. 25, 1962.
Do----	87-304--	9(a)-----	75	664			Executed. Repealed existing law.
Do----	87-322--	3-----	75	685	5	2205 note	Executed. Effective date for § 2 of the Act, which is carried into this revision.
Oct. 3	87-339--	1-----	75	751	5	790 note	Executed. Amended § 104 of Pub. L. 86-767, which provided for increase of compensation where injury occurred before Jan. 1, 1958, to provide application to certain employees of the government of the District of Columbia. Existing rights are preserved by technical § 8 of this bill.
Do----	87-339--	2-----	75	751	5	790 note	Executed. Provided effective date of the Act of which it was a part.
Oct. 4	87-350--	2(b)-----	75	770	5	2252 note	Executed. Provided effective date for subsec. (a) of the section of the Act of which it was a part, which is carried into this revision.
Do----	87-350--	4(b)-----	75	771	5	2257 note	Executed. Provided that no annuity payment could be made, as a result of the amendment by subsec. (a) of the section, for any period prior to Jan. 1, 1962.
Do----	87-350--	7-----	75	772	5	2267 note	Executed. Existing rights preserved by technical § 8 of this bill.
Do----	87-367--	102(c)-----	75	787	5	1105	Executed. Authorized and directed Civil Service Commission to withdraw from each agency, to which additional positions in GS-16, 17, and 18 were authorized by any Act of the 87th Congress, an equal number of such positions as were allocated to

TABLE II-b.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1961 Oct. 4	87-367	103 (9), (12)	75	787			such agency under § 505(b) of the Classification Act of 1949, as amended. The positions have been withdrawn. Executed. Repealed former §§ 630j (less last 26 words) and 517c of Title 5, U.S.C.
Do	87-367	104	75	789	5	1105 note	Executed. Provided that changes in existing law made by §§ 102 and 103 of the Act should not affect any position existing immediately prior to the effective date of the changes, the compensation attached to such position, and any incumbent thereof, his appointment thereto, and his entitlement to receive compensation attached thereto, until appropriate action was taken in accordance with the Act and the positions in grades 16, 17, and 18 immediately prior to the effective date should remain in their respective grades until appropriate action was taken under § 505 of the Classification Act of 1949 as in effect on and after such effective date. The action has been taken and any existing rights are preserved by technical § 8 of this bill.
Do	87-367	303 (d), (f)	75	794	5	2205(c), 2206(b)	Executed. Repealed §§ 106(c) and 107(b) of the Federal Executive Pay Act of 1956.
Do	87-367	304	75	794	5	2203 note	Executed. Provided with certain exceptions that each position specifically referred to or covered by amendments made by §§ 301 and 302 of the Act should be placed in the appropriate grade of the General Schedule of the Classification Act of 1949, as amended, in accordance with that Act; that the incumbent of each such position immediately prior to the effective date of this section should continue to receive pay at the rate received immediately prior to such effective date until he leaves the position or until he is entitled to receive a higher rate of pay in accordance with law; and that when such incumbent

TABLE II-b.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
							leaves the position, the rate of pay of the subsequent appointee should be determined in accordance with the Classification Act of 1949, as amended. Action has been taken placing such positions in the appropriate grade of the General Schedule and any existing rights are preserved by technical § 8 of this bill.
1961 Oct. 4	87-367	305-----	75	794	5	2203 note	Executed. Provided effective date for title III of the Act of which it was a part.
Do	87-378	7(b)-----	75	809	5	30r note	Executed. Provided effective date for subsec. (a) of the section of the Act of which it was a part, which is carried into this revision.
1962 Aug. 28	87-611	2-----	76	406	5	2093 note	Executed. Provided effective date for Act of which it was a part.
Sept. 7	87-651	305 (2d sentence).	76	526	10	5034 note	Executed. Provided effective date for § 304 of the Act of which it was a part, which is carried into this revision.
Oct. 11	87-793	501-----	76	841	5	1171 note	Unnecessary. Provided short title.
Do	87-793	601-----	76	843	5	1105 note	Unnecessary. Provided short title.
Do	87-793	602(b)-----	76	844	5	1113 note	Executed. Provided initial adjustments for pay increases. Existing rights are preserved by technical § 8 of this bill.
Do	87-793	607(a)-----	76	849	-----	-----	Executed. Repealed existing law.
Do	87-793	608-----	76	850	42	2521 note	Executed. Provided for transfer of certain positions to the General Schedule, and that certain positions in GS-16, 17, and 18, should remain in their respective grades until appropriate action was taken under § 505 of the Classification Act as in effect on and after the effective date of the section. The positions have been transferred, the action has been taken, and any existing rights are preserved by technical § 8 of this bill.

TABLE II-b.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Vol- ume	Page	Title	Section	
1962 Oct. 11	87-793--	609-----	76	850	5	1113 note	Executed. Provided that changes in existing law made by title II of the Act should not affect any position existing immediately prior to the effective date of the changes, the compensation attached to such position, and any incumbent thereof, his appointment thereto, and his entitlement to receive compensation attached thereto, until appropriate action was taken under the title; that the incumbent of each such position should continue to receive pay at the same rate until he leaves the position or until he is entitled to a higher rate in accordance with law; and that when the incumbent leaves the position, the rate of pay of the subsequent appointee should be determined in accordance with the Classification Act of 1949, as amended. Action has been taken and any existing rights are preserved by technical § 3 of this bill.
Do----	87-793--	610-----	76	850	5	1105 note	Executed. Provided effective date for the title of the Act of which it was a part.
Do----	87-793--	1005(j)-----	75	868	5	932f (g)	Executed. Provided effective date for pay increases.
Do----	87-793--	1006-----	76	868	5	1113 note	Executed. Provided that no pay shall be reduced by reason of the enactment of the Act of which it was a part. Any existing rights are preserved by technical § 8 of this bill.
Do----	87-793--	1008-----	76	868	5	1161 note	Executed. Provided effective date for the title of the Act of which it was a part.
Do----	87-793--	1009-----	76	868	5	1113 note	Executed. Provided ceiling on amount of pay increase pursuant to the Act of which it was a part. Any existing rights and duties are preserved by technical § 8 of this bill.
Do----	87-793--	1102(b) (so much as redesignated § 18 as 19).	76	869	5	2251 note	Executed and unnecessary. Redesignated § 18, which provided short title for the Civil Service Retirement Act, as § 19.

TABLE II-b.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
1962 Oct. 11	87-793	1104-----	76	871	5	2259 note	Executed. Provided effective date for § 1101 of the Act of which it was a part; also provided inapplicability of certain amendments made by § 1103 to persons retired or separated before Oct. 11, 1962, and continued certain rights without regard to the amendments. Existing rights are preserved by technical § 8 of this bill.
Oct. 23	87-849	3-----	76	1126			Executed. Repealed existing law.
1964 Feb. 7	88-267	2-----	78	9	5	2267 note	Executed. Existing rights are preserved by technical § 8 of this bill.
Do	88-267	3-----	78	9	5	2251 note	Executed. Provided inapplicability of amendments made by § 1 to persons retired or separated before Feb. 7, 1964, and continued certain rights without regard to the amendments. Existing rights are preserved by technical § 8 of this bill.
Mar. 17	88-284	1(6)-----	78	165	5	3002	Executed. See note for § 3002 (g) of Title 5, U.S.C.
Do	88-284	2-----	78	166	5	3001 note	Executed. Prescribed effective date of portions of the Act of which it was a part.
Aug. 14	88-426	101-----	78	400	5	1113 note	Unnecessary. Provided short title.
Do	88-426	102(b)-----	78	400	5	1113 note	Executed. Provided initial adjustments for pay increases. Existing rights are preserved by technical § 8 of this bill.
Do	88-426	301-----	78	415	5	2210 note	Unnecessary. Provided short title.
Do	88-426	303(g)-----	78	422	5	2211	Expired. See note for § 2211 (g) of Title 5, U.S.C.
Do	88-426	310-----	78	433	5	2211 note	Executed. Provided that changes in existing law made by the Act shall not affect any position existing immediately prior to the effective date of the changes, the compensation attached to such position, and any incumbent thereof, his appointment thereto, and his entitlement to receive compensation attached thereto, until appropriate action was taken under the Act or other law; and that

TABLE II-b.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		U.S. Code, 1964 ed.		Explanation
			Volume	Page	Title	Section	
							enactment of the Act shall not reduce the rate of basic, gross, or total compensation received by any officer or employee immediately prior to the effective date of the section. Action has been taken and any existing rights are preserved by technical § 8 of this bill.
1964 Aug. 19	88-448	401(h)-----	78	491			Obsolete. See note for the Act of Aug. 28, 1958, Pub. L. 85-850, 72 Stat. 1090.
Do-----	88-448	403-----	78	496	5	3101 note	Executed. Provided effective date for the Act.
Aug. 20	88-459	8, 9-----	78	558	5	3121 note	Executed. Repealed 5 U.S.C. 75a and provided effective date of the Act of which it was a part.
Aug. 21	88-471	2-----	78	582	5	2068	Executed. See note for § 2068 of Title 5, U.S.C.
Do-----	88-471	3-----	78	582	5	2069	Executed. See note for § 2069 of Title 5, U.S.C.
Do-----	88-471	4-----	78	582	5	2070	Executed. See note for § 2070 of Title 5, U.S.C.
Do-----	88-471	8-----	78	583	5	2061 note	Executed. Provided effective date of the Act of which it was a part.
Aug. 30	88-499	1-----	78	615	5	1045 note	Unnecessary. Provided short title of the Act of which it was a part.
Aug. 31	88-538	2, 3-----	78	745	5	70c note	Executed. Relieved certain employees of all liability to refund erroneous per diem payments, authorized payment of amounts paid by or withheld from amounts otherwise due an employee in connection with such liability, and provided retroactive effective date for § 1 of the Act. Any existing rights are preserved by technical § 8 of this bill.
Oct. 6	88-631	3(a)-----	78	1008	5	1113 note	Executed. Provided exception to the Antideficiency Act to permit administrative pay raises equivalent to those provided by the Act for other positions.
Do-----	88-631	4-----	78	1008	5	2091 note	Executed. Provided effective date for the Act of which it was a part.

TABLE II-c.—*Reorganization Plans*

Year	Plan No.	Section	Statutes at Large		Explanation
			Volume	Page	
1950	19	3-----	64	1271	Executed. Transferred personnel, property, records, etc., to the Department of Labor for use in connection with the functions transferred by this reorganization plan.

TABLE II-d.—*United States Code*

United States Code, 1964 ed.		Explanation
Title	Section	
2	45-----	Obsolete. Provided for election and pay of resident commissioners from the Philippines. Made obsolete by proclamation of independence of the Philippines. Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.
2	136a-----	Superseded. Fixed pay of Librarian of Congress at \$10,000 after July 1, 1928. Superseded by § 203(c) of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 415.
5	3-----	Superseded. Established salaries for department heads. See note for R.S. § 160.
5	13-----	Obsolete. Required report of appointments made by President without the advice and consent of the Senate. See note for R.S. § 1774.
5	14-----	Obsolete. Required reports of nominations rejected by the Senate or not acted on by the Senate at the end of each session. See note for R.S. § 1775.
5	15-----	Obsolete. Section removes the disability imposed by the 14th amendment to the Constitution on persons who participated in insurrection before June 6, 1898.
5	17-----	Superseded. Provided that employees of the Department of Agriculture need not renew oath of office required by R.S. § 1757 because of change in status if services are satisfactory and if not required by the Secretary of Agriculture in the public interest. Superseded by Act of Aug. 14, 1907, ch. 674, 50 Stat. 640, 5 U.S.C. 17b. See note for the Act of Jan. 31, 1925, ch. 124, § 3, 43 Stat. 803.
5	17a-----	Superseded. Provided that employees of the Veterans' Administration need not renew oath of office required by R.S. § 1756 (5 U.S.C. 16) because of change in status if services are continuous unless, in the opinion of the Administrator of Veterans' Affairs, the public interests require renewal. See note for Act of Dec. 11, 1926, ch. 4, § 3, 44 Stat. 919.
5	19-----	Obsolete. Authorized chief clerks of executive departments, bureaus, and offices to administer oaths of office without compensation. See note for Act of Aug. 29, 1890, ch. 820, 26 Stat. 371.
5	23-----	Superseded. Provided that chief clerks of executive departments and offices within the department to supervise subordinate clerks which authority has since been transferred to the department head. See note for R.S. § 173.
5	24-----	Superseded. See note for 5 U.S.C. 23 and R.S. § 173.
5	25-----	Superseded. See note for 5 U.S.C. 23 and R.S. § 173.
5	26b-----	Superseded. Excepted certain employees from the provisions relating to hours of work of Act of Mar. 3, 1931, ch. 396, 46 Stat. 1482, which was repealed by § 604(c), title VI, of Act of June 30, 1945, ch. 212, 59 Stat. 303. As to excepted employees, provided for a 7-hour workday on Saturday, and is superseded by § 604, title VI, of Act of June 30, 1945, ch. 212, 59 Stat. 303, which is carried into this revision.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
5	26c-----	Obsolete. Excepted certain employees from provisions relating to hours of work of Act of Mar. 3, 1931, ch. 396, 46 Stat. 1482, which was repealed by § 604(c), title VI, of Act of June 30, 1945, ch. 212, 59 Stat. 303. See note for Act of June 16, 1937, ch. 359, § 1 (1st proviso on p. 269), 50 Stat. 269.
5	30-----	Superseded by Act of Oct. 30, 1951, ch. 631, title II, §§ 201-209, 65 Stat. 679. Authorized the head of any department to grant 30 days' annual leave with pay in any one year to each clerk or employee exclusive of Sundays and legal holidays, plus an additional 30 days' sick leave. See note for the Act of Mar. 3, 1893, ch. 211, § 5, 27 Stat. 715.
5	30a-----	Superseded. Provided, after June 30, 1932, annual leave with pay not to exceed 15 days in any calendar year, etc. See note for Act of June 30, 1932, ch. 314, part II, title II, § 215, 47 Stat. 407.
5	30b-1-----	Superseded by Act of Oct. 30, 1951, ch. 631, title II, §§ 201-209, 65 Stat. 679. Provided for cumulative sick leave with pay at rate of 1¼ days per month, not exceeding total of 90 days.
5	31-----	Obsolete. Required monthly reports to heads of departments so that, if business is in arrears, the head could extend hours as provided by the Act of Mar. 3, 1893, ch. 211, § 5, 27 Stat. 715, as amended, which was repealed by Act of June 30, 1945, ch. 212, title VI, § 604(c), 59 Stat. 303.
5	31a-----	Executed. Required overtime work reports for period from July 1 to Dec. 31, 1936. See note for Act of Mar. 14, 1936, ch. 140, § 3, 49 Stat. 1161.
5	31b-----	Superseded. Provided that days of annual and sick leave should include only workdays. Superseded by Act of Oct. 30, 1951, ch. 631, title II, § 205(a), 65 Stat. 681. See note for Act of Mar. 2, 1940, ch. 33, § 1, 54 Stat. 38.
5	34-----	Superseded. Authorized employees' restoration to positions occupied at time of call to duty, after service in National Guard. See note for Act of Aug. 29, 1916, ch. 413, 39 Stat. 624.
5	35-----	Superseded by the Act of June 27, 1944, ch. 287. Provided preference to disabled veterans in appointments to civil offices. See note for R.S. § 1754.
5	35a-----	Superseded. Provided for preference for persons other than spouse of Federal employees. Superseded by Act of July 26, 1937, ch. 522, 50 Stat. 533.
5	36-----	Superseded. Provided that wife of soldier or sailor who served in World War I should not be disqualified because she is a married woman. Superseded by Act of July 26, 1937, ch. 522, 50 Stat. 533.
5	37-----	Superseded. Provided for preference of honorably discharged soldiers and sailors, their widows and orphans, in a reduction in force. Superseded by § 12 of the Veterans' Preference Act of 1944, 58 Stat. 390. See note for Act of Aug. 15, 1876, 19 Stat. 169.
5	37a-----	Superseded. Provided for separation of spouse living with husband or wife if Federal employee in reduction in force before any other person employed in such class is separated. Superseded by the Act of July 27, 1937, ch. 522, 50 Stat. 533. See note for Act of June 30, 1932, ch. 314, § 213, 47 Stat. 406.
5	42-----	Obsolete. Restricted detailing persons in the classified service in Washington for service outside of Washington, except the Department of Justice. See note for Act of Mar. 3, 1917, ch. 163, § 5, 39 Stat. 1121.
5	42a-----	Superseded. Provided that salaries of Federal employees be continued from year to year to the extent appropriated for by Congress. See note for the Act of Mar. 4, 1915, ch. 141, § 6, 38 Stat. 1049.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
5	55-----	Superseded. Prohibited use of appropriated funds to pay for experts unless specific authority for employing such assistance is stated in an Act of Congress and the rate of pay is fixed therein. Superseded by the Act of Aug. 2, 1946, ch. 744, § 15, 60 Stat. 810, which is carried into this revision; also see the Act of June 24, 1943, ch. 632, § 6, 62 Stat. 668.
5	61a-1-----	Obsolete. Rendered obsolete by provisions of § 4(c) of the Armed Forces Leave Act of 1946, as amended (37 U.S.C. 501), and § 219(c) of the Public Health Service Act, as added Aug. 9, 1950, ch. 654, § 2, 64 Stat. 426 (42 U.S.C. 210-1(c)). Any existing rights are preserved by technical § 8 of this bill.
5	73c-2-----	Obsolete. Made appropriations for travel available for expenses of transfer of household goods and effects. See note for the Act of June 28, 1941, ch. 259, § 5, 55 Stat. 360.
5	73d-----	Superseded. Provided under 1st par. that Secretary of the Interior furnish transportation to new appointees to the Virgin Islands. Superseded by Administrative Expense Act of 1946, 60 Stat. 806. Second par. authorizing Secretary of the Interior to furnish transportation of remains of deceased employees superseded by Act of July 8, 1940 (5 U.S.C. 103a; revised § 5742). See note for Act of June 5, 1936, ch. 526, 49 Stat. 1483.
5	73f-----	Expired. Provided for travel expenses to and from Alaska for new appointees of Department of the Interior. This appropriation and provision was discontinued following its last appearance in Act of July 1, 1946, ch. 526, § 6, 60 Stat. 385.
5	74-----	Superseded. Related to subsistence expenses of officers and employees while traveling on duty. Superseded by Act of June 9, 1949, ch. 185, 63 Stat. 166. See note for Act of Apr. 6, 1914, ch. 52, 38 Stat. 318.
5	75-----	Superseded. Provided for a per diem rate of allowance in lieu of subsistence to employees engaged in field work or traveling on official business outside the District of Columbia. Superseded by Act of June 9, 1949, ch. 185, 63 Stat. 166.
5	75b-----	Obsolete. Provided that quarters, heat, light, fuel and telephone service furnished the director of the Botanic Garden may not be regarded as part of his pay, and might continue to be furnished without reduction in pay notwithstanding § 3 of the Act of Mar. 5, 1928, or any other law. Although permanent in form, the proviso appears to have been intended to be temporary, since it was enacted annually, Acts of Feb. 28, 1929, ch. 367, § 1, 45 Stat. 1397; June 6, 1930, ch. 407, § 1, 46 Stat. 516; Feb. 20, 1931, ch. 234, § 1, 46 Stat. 1185; June 30, 1932, ch. 314, § 1, 47 Stat. 393; Feb. 28, 1933, ch. 134, § 1, 47 Stat. 1362; and May 30, 1934, ch. 372, § 1, 48 Stat. 828, from the time the Act of Mar. 25, 1928, was enacted until the position fell vacant for the last time. Since 1934 the position has been vacant, and the functions of the director performed by the Architect of the Capitol.
5	75d-----	Superseded. Superseded by the Act of Sept. 6, 1960, Pub. L. 86-707, 74 Stat. 792, which is carried in part into this revision.
5	77a-----	Superseded. Restricted use of Government-owned or leased motor vehicles. Superseded by Act of Aug. 2, 1946, ch. 744, § 16 (a), 60 Stat. 810.
5	81a-----	Obsolete. Required approval of Secretary of War for purchase or exchange of motor vehicles. Omitted on authority of War Department Circular No. 166. See note for Act of Apr. 28, 1942, ch. 246, § 6, 56 Stat. 255.
5	86-----	Superseded. Provided for payment of per diem employees of the Government for certain holidays. Superseded by Joint Resolution of June 29, 1938. See notes for Act of Jan. 6, 1885, Joint Res. 5, 23 Stat. 516, and Act of Feb. 23, 1887, Joint Res. 6, 24 Stat. 644.
5	92-----	Superseded. Authorized notaries public and U.S. commissioners to take oaths and acknowledgments. See note for R.S. § 1778.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
5	93a-----	Obsolete. Section authorized the superintendents of various national parks and Government reservations, among others, to administer oaths to travel and expense accounts without charge. Oaths no longer required for such accounts. See note for Act of June 6, 1939, ch. 185, 53 Stat. 810.
5	97-----	Obsolete. Authorized chief clerks of the various executive departments and bureaus to administer oaths to expense and travel accounts without charge. Oaths are no longer required for such accounts. See note for Act of June 6, 1939, ch. 185, 53 Stat. 810.
5	98-----	Superseded. Section prohibited the establishment of a civil pension roll, an honorable-pension roll, or the exemption of any officer, clerk, or person in the Federal service from the laws existing Feb. 24, 1899, respecting Federal employment. See note for Act of Feb. 24, 1899, ch. 187, § 4, 30 Stat. 890.
5	117-----	Obsolete. Provided that expenditures of the U.S. Geographic Board be paid upon voucher signed by its secretary who shall act as disbursing agent without bond. The Board was abolished and its functions transferred to the Department of the Interior by E. O. 6680, Apr. 17, 1934. See note for Act of Feb. 13, 1923, ch. 72, 42 Stat. 1241.
5	118c-1-----	Obsolete. Provided that payment for losses to employees occasioned through exchange of foreign currency during period of service with the American Battle Monuments Commission might be made to the General of the Armies. See note for Act of Apr. 25, 1938, ch. 170, 52 Stat. 221.
5	118j-1-----	Superseded. Provided a criminal penalty for any employee who strikes or is a member of an organization that asserts or advocates the right to strike against the Government of the United States. Superseded by the Act of Aug. 9, 1955, ch. 690, 69 Stat. 624.
5	124-----	Expired. Authorized the President, for reasons of economy and efficiency, to reorganize the executive and administrative agencies of the Government. Act of June 30, 1932, ch. 314, § 401, 47 Stat. 413, as added Mar. 3, 1933, ch. 212, § 16, 47 Stat. 1517. Expired 2 years after enactment of the Act of Mar. 3, 1933, ch. 212, § 409, 47 Stat. 1519, 5 U.S.C. § 132. See note for Act of June 30, 1932, ch. 314, 47 Stat. 413.
5	125-----	Expired. Defined "executive agency." See note for the Act of June 30, 1932, ch. 314, §§ 401-408, 47 Stat. 413.
5	126-----	Expired. Defined President's power of reorganization. See notes under the Act of June 30, 1932, ch. 314, § 401, 47 Stat. 413, and 5 U.S.C. 124.
5	127-----	Expired. Provided in cases of transfer, consolidation, or elimination for transfer of records, property, and personnel. See note under 5 U.S.C. 124.
5	128-----	Expired. Provided that all orders, rules, and regulations of agency transferred or consolidated with another to continue in effect until repealed or recodified. Savings provisions extended to pending legal proceedings and laws relating to transferred agencies. See note under 5 U.S.C. 124.
5	129-----	Expired. Required the President to wind up the affairs of eliminated agencies. See note under 5 U.S.C. 124.
5	130-----	Expired. Provided that whenever the President issues an Executive order under the provisions of the Act it should not become effective until 60 days after submission of the order to Congress unless Congress by law provided for an earlier effective date. See note under 5 U.S.C. 124.
5	131-----	Repealed. Required the President to report to Congress. Repealed by omission by Act of Mar. 3, 1933, ch. 212, title II, § 16, 47 Stat. 1517. See notes for Act of June 30, 1932, ch. 314, §§ 401-408, 47 Stat. 413, and 5 U.S.C. 124.
5	131a-----	Expired. Provided that appropriations unexpended by reason of the operation of 5 U.S.C. 124-132 should not be used for any other purpose, but be returned to the Treasury. See note for 5 U.S.C. 124.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
5	132	Expired. Provided that no Executive order issued by the President under 5 U.S.C. § 126 to become effective unless transmitted to Congress within 2 years from Mar. 20, 1933. See note under 5 U.S.C. 124.
5	133	Expired. Authorized the President, within certain limitations, to reorganize the executive branch by submitting reorganization plans to the Congress, to take effect unless disapproved by Congress. Expired Jan. 21, 1941, pursuant to § 12 of the Act. See note for Act of Apr. 3, 1939, ch. 36, 53 Stat. 561.
5	133a	Expired. Defined the term "agency." See note for Act of Apr. 3, 1939, ch. 36, 53 Stat. 561, and note under 5 U.S.C. 133.
5	133b	Expired. Imposed limitations on reorganization plans. See note under 5 U.S.C. 133.
5	133c	Expired. Defined powers and duties of the President. See note under 5 U.S.C. 133.
5	133d	Expired. Provided for effective dates of reorganization plans. See note under 5 U.S.C. 133.
5	133e	Expired. Provided limitations on effect of reorganization plans. See note under 5 U.S.C. 133.
5	133f	Expired. Defined the term "reorganization." See note under 5 U.S.C. 133.
5	133g	Expired. Provided that reorganization should not affect orders, rules, regulations, etc., pending legal proceedings and existing laws. See note under 5 U.S.C. 133.
5	133h	Expired. Provided that unexpended appropriations are to be returned to Treasury. See note under 5 U.S.C. 133.
5	133i	Expired. Provided a 1-year reemployment preference to any person terminated by a reduction in personnel as a result of a reorganization. Further provided that any transfer of personnel to be made without change in classification. See note under 5 U.S.C. 133.
5	133j	Expired. Provided that reorganization plans be published in the Statutes at Large and the Federal Register. See note under 5 U.S.C. 133.
5	133k	Expired. Provided that reorganization plans not be effective unless the plan is transmitted to Congress. See note under 5 U.S.C. 133.
5	133l	Expired. Provided that 5 U.S.C. 133l to 133r enacted (a) as an exercise of the rulemaking power of both Houses of Congress, and as such to be considered as part of the rules of each House, (b) with full recognition that rules relating to procedure could be changed to the same extent as any other rule of such House. See note under 5 U.S.C. 133.
5	133m	Expired. Defined the term "resolution" to mean a concurrent resolution of the two Houses. See note under 5 U.S.C. 133.
5	133n	Expired. Provided that a resolution relating to a reorganization plan should be referred to a committee by the President of the Senate or the Speaker of the House. See note under 5 U.S.C. 133.
5	133o	Expired. Provided that committee to which resolution in reorganization plan has been referred must report before the expiration of 1 days or, on motion, be discharged from further consideration of any other resolution with respect to such reorganization plan. See note under 5 U.S.C. 133.
5	133p	Expired. Provided procedure under which resolutions on reorganization plans to be considered and debated. See note under 5 U.S.C. 133.
5	133q	Expired. Provided that motions to postpone made with respect to the discharge from committee, or consideration of, a resolution or reorganization plan and all motions to proceed to the consideration of other business be decided without debate. See note under 5 U.S.C. 133.
5	133r	Expired. Outlined procedure to be followed whenever one House recesses before passage of the resolution before it, a resolution from other House, or some reorganization plan. See note under 5 U.S.C. 133.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
5	133u-----	Executed. Provided that the 1940 Reorganization Plans III and IV should be effective on June 30, 1940. See note for joint resolution of June 4, 1940, ch. 231, § 4, 54 Stat. 231.
5	133v-----	Executed. Provided that 1940 Reorganization Plan V take effect on the 10th day after June 4, 1940. See note for Act of June 4, 1940, ch. 231, § 1, 54 Stat. 230.
5	133x-----	Executed. Provided that any appropriation for the fiscal year ending June 30, 1941, for the Immigration and Naturalization Service or the Department of Labor for the exercise of functions transferred by the 1940 Reorg. Plan No. V, which took effect after the effective date of such plan should be considered as having taken effect prior to such plan. Joint resolution of June 4, 1940, ch. 231, § 3, 54 Stat. 230, 231.
5	133y-----	Expired. Authorized the President, by reorganization plan, to reorganize the executive branch. Expired Apr. 1, 1948, pursuant to § 5(f) of the Act, 5 U.S.C. 133y-3(f). See note for Act of Dec. 20, 1945, ch. 582, 59 Stat. 613.
5	133y-1-----	Expired. Defined the powers and duties of the President in the preparation and submission to Congress of a reorganization plan. See note for 5 U.S.C. 133y.
5	133y-2-----	Expired. Provided for the transfer of personnel, services, and unexpended appropriations of agencies transferred, consolidated or coordinated. See note for 5 U.S.C. 133y.
5	133y-3-----	Expired. Imposed limitations on the President's powers of reorganization and exempted certain agencies from reorganization. See note for 5 U.S.C. 133y.
5	133y-4-----	Expired. Provided that reorganization plan to take effect upon the expiration of 60 days of transmission to Congress, if within that period the two Houses have not by concurrent resolution stated that the plan is not favored. See note for 5 U.S.C. 133y.
5	133y-5-----	Expired. Defined the term "agency". See note for 5 U.S.C. 133y.
5	133y-6-----	Expired. Defined the term "resolution". See note for 5 U.S.C. 133y.
5	133y-7-----	Expired. Provided that any statute enacted, and any regulation or other action made in request of any agency transferred, before the effective date of such transfer, should, except to the extent recodified or superseded by law, have the same effect as if such transfer had not been made, unless such statute or regulation vested functions in agency to which the transfer is made under the plan. See note for 5 U.S.C. 133y.
5	133y-8-----	Expired. Provided that unexpended appropriations to be impounded and returned to the Treasury. See note for 5 U.S.C. 133y.
5	133y-9-----	Expired. Provided that reorganization plans be printed in the Statutes at Large and the Federal Register. See note for 5 U.S.C. 133y.
5	133y-10-----	Expired. Provided that reorganization plans shall form part of the rules of both Houses of Congress, applicable only with respect to the procedure to be followed in the case of resolutions. See note for 5 U.S.C. 133y.
5	133y-11-----	Expired. Defined the term "resolution" as meaning a concurrent resolution of the two Houses of Congress. See note for 5 U.S.C. 133y.
5	133y-12-----	Expired. Provided that all resolutions on the same reorganization plan be referred to one committee. See note for 5 U.S.C. 133y.
5	133y-13-----	Expired. Provided that if the committee to which a resolution or a reorganization plan has been referred fails to report it before the expiration of 10 days of its introduction (or receipt), it would be in order to discharge the committee from further consideration of such resolution or any other resolution on the same reorganization plan. See note for 5 U.S.C. 133y.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
5	133y-14-----	Expired. Set forth the procedure to be followed after the committee had reported a resolution or had been discharged from further consideration of a resolution on a reorganization plan. See note for 5 U.S.C. 133y.
5	133y-15-----	Expired. Provided against debate on motion to postpone, made with report to the discharge from committee, and motion to proceed to consideration of other business. See note for 5 U.S.C. 133y.
5	133y-16-----	Expired. Outlined procedure if, prior to passage by one House of a resolution of that House, such House receives from the other House a resolution with respect to the same plan. See note for 5 U.S.C. 133y.
5	135-----	Superseded. Created a Joint Committee on Government Organization, and provided for its appointment. See note for Act of Feb. 3, 1937, ch. 8, 50 Stat. 7.
5	136-----	Superseded. Provided for duties of Joint Committee on Government Organization. See note for Act of Feb. 3, 1937, ch. 8, 50 Stat. 7.
5	137-----	Superseded. Prescribed powers of the Joint Committee on Government Organization. See note for Act of Feb. 3, 1937, ch. 8, 50 Stat. 7.
5	138-----	Superseded. Authorized employment of staff for the Joint Committee on Government Organization. See note for Act of Feb. 3, 1937, ch. 8, 50 Stat. 7.
5	138a-----	Expired. Stated policy of Congress to promote economy, efficiency, and improved service. See note for Act of July 7, 1947, ch. 207, 61 Stat. 246.
5	138b-----	Expired. Established Commission on Organization of the Executive Branch of the Government. See note for Act of July 7, 1947, ch. 207, 61 Stat. 246.
5	138c-----	Expired. Provided for composition of Commission on Organization of the Executive Branch of the Government. See note for Act of July 7, 1947, ch. 207, 61 Stat. 246.
5	138d-----	Expired. Provided for election of a Chairman and Vice Chairman of the Commission on Organization of the Executive Branch of the Government. See note for Act of July 7, 1947, ch. 207, 61 Stat. 246.
5	138e-----	Expired. Established quorum of Commission on Organization of the Executive Branch of the Government. See note for Act of July 7, 1947, ch. 207, 61 Stat. 246.
5	138f-----	Expired. Provided for compensation of members of the Commission on Organization of the Executive Branch of the Government. See note for Act of July 7, 1947, ch. 207, 61 Stat. 246.
5	138g-----	Expired. Provided for appointment and pay of employees of the Commission on Organization of the Executive Branch of the Government. See note for Act of July 7, 1947, ch. 207, 61 Stat. 246.
5	138h-----	Expired. Provided for termination of Commission on Organization of the Executive Branch of the Government. See note for Act of July 7, 1947, ch. 207, 61 Stat. 246.
5	138i-----	Expired. Prescribed duties of the Commission on Organization of the Executive Branch of the Government. See note for Act of July 7, 1947, ch. 207, 61 Stat. 246.
5	138j-----	Expired. Prescribed powers of the Commission on Organization of the Executive Branch of the Government. See note for Act of July 7, 1947, ch. 207, 61 Stat. 246.
5	141-----	Expired. Created Central Statistical Committee and Central Statistical Board. See note for Act of July 25, 1935, ch. 416, 49 Stat. 498.
5	142-----	Expired. Prescribed composition of Central Statistical Committee. See note for Act of July 25, 1935, ch. 416, 49 Stat. 498.
5	143-----	Expired. Provided for appointment and pay of Central Statistical Board. See note for Act of July 25, 1935, ch. 416, 49 Stat. 498.
5	144-----	Expired. Authorized Central Statistical Board to employ personnel and make expenditures. See note for Act of July 25, 1935, ch. 416, 49 Stat. 498.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
5	145-----	Expired. Provided for powers and duties of Central Statistical Board. See note for Act of July 25, 1935, ch. 416, 49 Stat. 498.
5	146-----	Expired. Terminated preexisting Central Statistical Board. See note for Act of July 25, 1935, ch. 416, 49 Stat. 498.
5	147-----	Expired. Authorized Central Statistical Board to issue regulations. See note for Act of July 25, 1935, ch. 416, 49 Stat. 498.
5	148-----	Expired. Provided for separability of provisions. See note for Act of July 25, 1935, ch. 416, 49 Stat. 498.
5	149-----	Expired. Provided for termination of provisions. See note for Act of July 25, 1935, ch. 416, 49 Stat. 498.
5	151d-----	Superseded. Fixed pay of Under Secretary of State. See note for Act of Oct. 15, 1949, ch. 695, § 3, 63 Stat. 880.
5	151e-----	Superseded. Fixed pay of Assistant Secretaries of State and Deputy Under Secretaries of State. See note for Act of Oct. 15, 1949, ch. 695, § 5(a), 63 Stat. 880.
5	152-1-----	Expired. Section provided for an Under Secretary of State for Economic Affairs. It expired by its own terms on Aug. 1, 1948.
5	152d-----	Obsolete. Provided that the position of Budget Officer of the Department of State should be in GS-18 as long as held by the incumbent. The then incumbent has left the position. See note for Act of July 7, 1955, ch. 279, § 101, 69 Stat. 265.
5	153-----	Obsolete. Section authorized Secretary of State to appoint the Chief of the Bureau of Accounts the disbursing clerk for his department. The function of disbursement of moneys and the office of disbursing clerk were transferred to the Treasury Department by § 4 of E.O. 6166, June 10, 1933, as amended.
5	154a-----	Expired. Section provided that the Secretary of State might, in his absolute discretion, separate any employee of the Department of State, or of the Foreign Service. Section, which was taken from an appropriation act, applied only during the fiscal year for which the act was enacted, and has not been reenacted since July 10, 1952, ch. 651, title I, § 103, 66 Stat. 555. Similar provisions were carried in the following appropriations acts: Oct. 22, 1951, ch. 533, title I, § 103, 65 Stat. 581; Sept. 6, 1950, ch. 896, § 1213, 64 Stat. 768; July 20, 1949, ch. 354, title I, § 104, 63 Stat. 456; June 3, 1948, ch. 400, title I, § 104, 62 Stat. 315; July 9, 1947, ch. 211, title I, § 101, 61 Stat. 288; July 5, 1946, ch. 541, title I, § 101, 60 Stat. 458.
5	170d-----	Executed and superseded. Section provided for use of Government vehicles for transportation of employees to and from work under certain conditions. It was taken from recurring appropriation acts of which the latest was June 20, 1956, ch. 414, title I, § 105, 70 Stat. 304. A similar provision was enacted into permanent law by Act of Aug. 1, 1956, ch. 841, § 11, 70 Stat. 892. Similar temporary provisions had been contained in the following appropriation acts: July 7, 1955, ch. 279, title I, § 105, 69 Stat. 270; July 2, 1954, ch. 456, title I, § 105, 68 Stat. 418; Aug. 5, 1953, ch. 328, title I, § 105, 67 Stat. 371; July 10, 1952, ch. 651, title I, § 106, 66 Stat. 555; Oct. 22, 1951, ch. 533, title I, § 106, 65 Stat. 582; Sept. 6, 1950, ch. 896, ch. III, title I, § 106, 64 Stat. 615; July 20, 1949, ch. 354, title I, § 107, 63 Stat. 457.
5	171b-----	Superseded. Prescribed compensation of Secretary of Defense. Superseded § 303 of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 416.
5	171c-1-----	Superseded. Prescribed compensation of Deputy Secretary of Defense. Superseded by § 303 of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 416.
5	171c-2 (1st sentence)-----	Superseded. Provided that compensation of Assistant Secretaries of Defense is that prescribed by law for assistant secretaries of executive departments. See note for Act of Aug. 10, 1966, ch. 1041, § 21 (1st sentence of § 302), 70A Stat. 629.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
5	171d-1-----	Obsolete. Excepted Department of Defense from limitations on employment imposed by § 607 of the Federal Employees Pay Act of 1945. See note for Act of Sept. 27, 1950, ch. 1052, ch. X, § 104, 64 Stat. 1064.
5	171d-2-----	Expired. Authorized additional positions in GS-16, 17, and 18 for the Department of Defense for fiscal 1956.
5	171j-1-----	Superseded. Authorized Secretary of Defense to appoint advisory committee members and part-time advisory personnel at rates up to \$50 a day. Superseded by § 173 of Title 10, U.S.C.
5	171k-----	Executed. Provided for transfer of civilian personnel under the act, without change in classification or pay, subject to power of agency head to change titles and duties. See note for Act of July 26, 1947 ch. 343, title III, § 304, 61 Stat. 508.
5	171l-----	Unnecessary. Preserved existing application of laws and proceedings. Covered by technical § 8 of this bill.
5	171u-----	Expired. Restricted obligation of funds for research and development. Applied only to fiscal 1950.
5	171y-----	Executed. Required Secretary of Defense to submit tables of organization and equipment of Armed Forces to Congress by Jan. 1, 1954.
5	189-----	Expired. Section, based on the Act of Feb. 28, 1929, ch. 366, title I, 45 Stat. 1353, prohibited assignments to duty in bureaus of the War Department of clerks, messengers, and laborers of headquarters of tactical divisions, military departments, brigades, service schools, and office of the Chief of Staff. Section applied only to fiscal 1930, and provision was not repeated in subsequent appropriation acts. Similar provisions were contained in the Acts of March 23, 1928, ch. 232, 45 Stat. 330; Feb. 23, 1927, ch. 167, 44 Stat. 1110; Apr. 15, 1926, ch. 146, 44 Stat. 258; Feb. 12, 1925, ch. 225, 43 Stat. 896; June 7, 1924, ch. 291, 43 Stat. 482; Mar. 2, 1923, ch. 178, 42 Stat. 1384; June 30, 1922, ch. 253, 42 Stat. 724; June 30, 1921, ch. 33, 42 Stat. 75; June 5, 1920, ch. 240, 41 Stat. 956; July 11, 1919, ch. 8, 41 Stat. 112; July 9, 1918, ch. 143, 40 Stat. 853; June 15, 1917, ch. 29, 40 Stat. 189; May 12, 1917, ch. 12, 40 Stat. 46; Aug. 29, 1916, ch. 418, 39 Stat. 626; Mar. 4, 1915, ch. 143, 38 Stat. 1067; Apr. 27, 1914, ch. 72, 38 Stat. 356; Mar. 2, 1913, ch. 93, 37 Stat. 707; Aug. 24, 1912, ch. 391, 37 Stat. 573; Mar. 3, 1911, ch. 209, 36 Stat. 1041; Mar. 23, 1910, ch. 115, 36 Stat. 247; Mar. 3, 1909, ch. 252, 35 Stat. 736; May 11, 1908, ch. 163, 35 Stat. 112; Mar. 2, 1907, ch. 251, 34 Stat. 1161; June 12, 1906, ch. 3078, 34 Stat. 243; and Mar. 2, 1905, ch. 1307, 33 Stat. 830.
5	209-----	Superseded. Authorized General Accounting Office to settle claims for damage to private property caused by Army operations. Superseded by §§ 2672 et seq. of Title 28, U.S.C.
5	232-----	Superseded. Required reports by Secretary of the Army of the number of scientific and professional positions established, names, rates, qualifications, etc., to be made yearly. See note for Act of Aug. 1, 1947, ch. 433, 61 Stat. 715.
5	245a (as applicable to the Classification Act of 1949).	Superseded. Made Administrative Assistant Secretary of the Treasury subject to the Classification Act of 1949. See note for Act of June 5, 1952, ch. 369, § 1101, 66 Stat. 121.
5	246a-----	Obsolete. Authorized Secretary of the Treasury to appoint five assistants without regard to the civil service laws and the Classification Act of 1923, and to delegate functions to these assistants, and authorized the President to terminate the authority by Executive order. See note for Act of May 10, 1934, ch. 277, § 513, 48 Stat. 759.
5	248b-----	Superseded. Established salary limitation of \$10,000 for certain employees of Treasury Department. See note for Act of June 19, 1934, ch. 648, § 1 (2d proviso on p. 1060), 48 Stat. 1060.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
5	249.....	Expired. Designated chief clerk the chief executive officer of the Treasury Department and authorized his designation as officer to sign papers. See note for Act of Mar. 15, 1934, ch. 70, title I, § 1, 48 Stat. 426. Similar provisions were contained in the Acts of Mar. 3, 1933, ch. 212, title I, § 1, 47 Stat. 1489; July 5, 1932, ch. 430, title I, § 1, 47 Stat. 580; Feb. 23, 1931, ch. 277, title I, § 1, 46 Stat. 1218; May 15, 1930, ch. 289, title I, § 1, 46 Stat. 336; Dec. 20, 1928, ch. 39, title I, § 1, 45 Stat. 1029; Mar. 5, 1928, ch. 126, title I, § 1, 45 Stat. 163; Jan. 26, 1927, ch. 58, title I, § 1, 44 Stat. 1028; Mar. 2, 1926, ch. 43, title I, § 1, 44 Stat. 137; Jan. 22, 1925, ch. 87, title I, 43 Stat. 764; Apr. 4, 1924, ch. 84, title I, 43 Stat. 64; Jan. 2, 1923, ch. 22, 42 Stat. 1088; Feb. 17, 1922, ch. 55, 42 Stat. 367; Mar. 3, 1921, ch. 124, § 1, 41 Stat. 1264; May 29, 1920, ch. 214, § 1, 41 Stat. 643; Mar. 1, 1919, ch. 86, § 1, 40 Stat. 1225; July 3, 1918, ch. 130, § 1, 40 Stat. 770; and Mar. 3, 1917, ch. 163, § 1, 39 Stat. 1083.
5	249a.....	Obsolete. Established salary of Special Assistant to the Secretary of the Treasury incumbent on Mar. 10, 1928. See note for Act of Mar. 10, 1928, ch. 167, § 23, 45 Stat. 279.
5	251.....	Obsolete. Section specified salary of Government Actuary so long as position was held by the incumbent on Feb. 26, 1926. Incumbent no longer holds the position.
5	274.....	Expired. Authorized detail of personnel to Foreign Service, Section, which was based on Act of July 5, 1946, ch. 541, title I, § 101, 60 Stat. 458, was effective only for fiscal year 1947. Similar provisions, applicable to prior fiscal years, were contained in the Acts of May 21, 1945, ch. 129, title I, § 101, 59 Stat. 181; June 28, 1944, ch. 294, title I, § 101, 58 Stat. 407; July 1, 1943, ch. 182, title I, § 101, 57 Stat. 282; July 2, 1942, ch. 472, title I, § 101, 56 Stat. 480; June 28, 1941, ch. 258, title I, § 101, 55 Stat. 277; May 14, 1940, ch. 189, title I, § 101, 54 Stat. 192; June 29, 1939, ch. 248, title I, 53 Stat. 896; Apr. 27, 1938, ch. 180, title I, § 1, 52 Stat. 258; June 16, 1937, ch. 359, title I, § 1, 50 Stat. 273; May 15, 1936, ch. 405, § 1, 49 Stat. 1321; and Mar. 22, 1935, ch. 39, § 1, 49 Stat. 70.
5	293a.....	Obsolete. Provided for appointment of Assistant Solicitor General in the Department of Justice, his compensation, and duties. The office was abolished by 1950 Reorg. Plan No. 2, § 4, eff. May 24, 1950, 15 F.R. 3173, 64 Stat. 1261.
5	295b (as applicable to the Classification Act of 1949).	Superseded. Made position of Administrative Assistant Attorney General subject to the Classification Act of 1949. See note for Act of June 5, 1952, ch. 369, § 1101, 66 Stat. 121.
5	296.....	Obsolete. Provided for appointment, pay, and duties of Assistant Attorney General, Deputy Assistant Attorney General, and four attorneys, for customs matters. See note for Act of Aug. 5, 1909, ch. 6, § 28 ("Sec. 30"), 36 Stat. 108.
5	297 (less applicability to the Solicitor for the Department of Labor).	Obsolete. Provided for appointment of certain legal officers. See notes for R.S. § 349 and Acts of June 19, 1878, ch. 329, § 1, 20 Stat. 205; Mar. 3, 1891, ch. 541, § 1, 26 Stat. 945; Feb. 26, 1926, ch. 27, § 1201, 44 Stat. 126; and May 10, 1934, ch. 277, § 512(b), 48 Stat. 759. The Acts of Mar. 18, 1904, ch. 716, § 1, 33 Stat. 135; Mar. 4, 1913, ch. 141, § 7, 37 Stat. 738; and Feb. 23, 1931, ch. 276, § 30, 46 Stat. 1214, formerly classified to this section, are omitted and not repealed because they are also classified to § 152a, 592b, and 613b of Title 5, U.S.C., 1964 ed., and are transferred to other titles (see table IV).
5	297a.....	Superseded. Abolished several legal offices in Department of the Treasury. See note for Act of May 10, 1934, ch. 277, § 512(b), 48 Stat. 759.
5	300c-1.....	Superseded. Fixed pay of Associate Director of the Federal Bureau of Investigation. Superseded by § 303(c)(46) of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 417.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
5	301-----	Expired. Authorized agents of the Attorney General to examine papers, etc., of certain officers of the Department of Justice and the U.S. courts. Provision, which was contained in an appropriation act, was effective only for fiscal 1950. Similar provisions, for fiscal years concerned, were contained in the Acts of June 3, 1948, ch. 400, title II, § 201, 62 Stat. 317; July 9, 1947, ch. 211, title II, § 201, 61 Stat. 289; July 5, 1946, ch. 541, title II, § 201, 60 Stat. 459; May 21, 1945, ch. 129, title II, § 201, 59 Stat. 182; June 28, 1944, ch. 294, title II, § 201, 58 Stat. 408; July 1, 1943, ch. 182, title II, § 201, 57 Stat. 284; July 2, 1942, ch. 472, title II, § 201, 56 Stat. 484; June 28, 1941, ch. 258, title III, § 301, 55 Stat. 293; May 14, 1940, ch. 189, title III, § 301, 54 Stat. 203; June 29, 1939, ch. 248, title II, 53 Stat. 898; Apr. 27, 1938, ch. 180, title II, 52 Stat. 259; June 16, 1937, ch. 359, title II, 50 Stat. 274; May 15, 1936, ch. 405, title II, 49 Stat. 1322; Mar. 22, 1935, ch. 39, title II, 49 Stat. 78; Apr. 7, 1934, ch. 104, title II, 48 Stat. 537; Mar. 1, 1933, ch. 144, title II, 47 Stat. 1380; July 1, 1932, ch. 361, title II, 47 Stat. 489; Feb. 23, 1931, ch. 280, title II, 46 Stat. 1322; Apr. 18, 1930, ch. 184, title II, 46 Stat. 187; Jan. 25, 1929, ch. 102, title II, 45 Stat. 1109; Feb. 15, 1928, ch. 57, title II, 45 Stat. 78; Feb. 24, 1927, ch. 189, title II, 44 Stat. 1194; Apr. 29, 1926, ch. 195, title II, 44 Stat. 343; Feb. 27, 1925, ch. 364, title II, 43 Stat. 1027; May 28, 1924, ch. 204, title II, 43 Stat. 217; Jan. 3, 1923, ch. 21, title II, 42 Stat. 1080; June 1, 1922, ch. 204, title II, 42 Stat. 613; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1410; and Mar. 1, 1921, ch. 89, § 1, 41 Stat. 1175.
5	302-----	Superseded. Provided for reimbursement of actual and necessary traveling expenses of Department of Justice officials. See note for R.S. § 370.
5	306a-----	Superseded. Authorized transfer of funds of other agencies to Department of Justice for use in examination of title and prosecution of condemnation proceedings. See note for Act of Apr. 27, 1938, ch. 180, title II, § 1, 52 Stat. 269.
5	308-----	Superseded. Authorized Attorney General to refer certain questions to subordinates. See note for R.S. § 358.
5	311-----	Superseded. Authorized Attorney General to require officers of the Department of Justice to perform any duty required of the Department or its officers. See note for R.S. § 360.
5	320-----	Obsolete. Authorized Attorney General to designate a disbursing officer. See note for R.S. § 371.
5	332-----	Obsolete. Provided for action in chancery when action at law is fruitless. See note for R.S. § 382.
5	342f-----	Superseded. Based on Acts of Sept. 6, 1950, ch. 896, ch. III, title II, § 201, 64 Stat. 618; July 20, 1949, ch. 354, title II, § 201, 63 Stat. 460; June 3, 1948, ch. 400, title II, § 201, 62 Stat. 319; July 9, 1947, ch. 211, title II, § 201, 61 Stat. 292; July 5, 1946, ch. 541, title II, § 201, 60 Stat. 463; May 21, 1945, ch. 129, title II, 59 Stat. 186; June 28, 1944, ch. 294, title II, § 1, 58 Stat. 413; and July 1, 1943, ch. 182, title II, 57 Stat. 288. Authorized employment of aliens as interpreters in the Immigration and Naturalization Service. Superseded by Act of July 28, 1950, ch. 503, § 6, 64 Stat. 380.
5	364-1-----	Executed and superseded. Executed in part, remainder superseded by section 307 of Title 39, United States Code.
5	415a-----	Expired. Provided for employment of additional civilian personnel and necessary travel expenses for recruitment. Based on the Acts of June 22, 1944, ch. 269, § 113, 58 Stat. 321, which was effective only during fiscal 1945; and May 29, 1945, ch. 130, § 113, 59 Stat. 221, which was effective only during fiscal 1946.
5	457a-----	Expired. Authorized detail of naval officers to Hydrographic Office. Based on Act of Feb. 7, 1942, ch. 46, title I, § 101, 56 Stat. 58, which was effective only during fiscal year for which enacted. Similar provisions applying to earlier fiscal years were contained in the Acts of May 6, 1941, ch. 86, § 1, 55 Stat. 154; and June 11, 1940, ch. 313, title I, § 101, 54 Stat. 270.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
5	457b-----	Superseded. Provided for the detail of not more than two naval officers to the Hydrographic Office. Superseded by the Act of June 4 1920, ch. 228, 41 Stat. 816.
5	482a-----	Superseded. Section established salary of Assistant Secretaries of the Interior. Superseded by § 303(d)(18) of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 418, which is carried into this revision.
5	483-1 (as applicable to the Classification Act of 1949).	Superseded. Made position of Administrative Assistant Secretary of the Interior subject to the Classification Act of 1949. See note for Act of June 5, 1952, ch. 369, § 1101, 66 Stat. 121.
5	496-----	Superseded. Section authorized purchase of supplies, equipment, and services for the Department of the Interior in the open market when the cost did not exceed \$100. Superseded by Act of Aug. 2, 1946, ch. 744, § 9 60 Stat. 809, amending R.S. § 3709.
5	496a-----	Superseded. Authorized transfer of surplus property, without reimbursement, to the Department of the Interior when required for operations in Territories and island possessions. See note for Act of Sept. 6, 1950, ch. 896, § 110, 64 Stat. 696.
5	499-----	Expired. Established construction limitations on buildings for soil and water conservation programs. Based on Acts of June 28, 1941, ch. 259, § 1, 55 Stat. 306; and July 2, 1942, ch. 473, § 1, 56 Stat. 508, which were effective only for fiscal years 1942 and 1943.
5	514c-----	Obsolete. Authorized delegations for signing requisitions for disbursing funds. 1953 Reorg. Plan No. 2, § 1, 67 Stat. 633, transferred to the Secretary of Agriculture all functions of officers, agencies, and employees of the Department.
5	514d (less 2d par.)-----	Obsolete. Authorized delegations to expend contingent funds and authorize transfer of household goods. 1953 Reorg. Plan No. 2, § 1, 67 Stat. 633, transferred to the Secretary of Agriculture all functions of officers, agencies, and employees of the Department.
5	517a-----	Superseded. Fixed pay of Assistant Secretary of Agriculture. See note for Act of Oct. 15, 1949, ch. 695, § 5(a), 63 Stat. 880.
5	523-----	Obsolete. Gave certain police powers to watchmen of the Department of Agriculture. The functions with respect to guarding buildings and premises of the Department in the city of Washington were transferred to the General Services Administration.
5	524-----	Obsolete. Provided for applicability of laws to reorganize bureaus within the Department of Agriculture. Obsolete in view of 1953 Reorg. Plan No. 2, § 1, 67 Stat. 633, which transferred to the Secretary of Agriculture all functions of officers, agencies, and employees of the Department.
5	525-----	Obsolete. Related to functions of the chief disbursing clerk and the deputy clerk of the Department of Agriculture. The function of disbursement of moneys and the office of disbursing clerk were transferred to the Treasury Department by § 4 of E.O. 6166, June 10, 1933, as amended. 1953 Reorg. Plan No. 2, § 1, 67 Stat. 633, transferred to the Secretary of Agriculture all functions of officers, agencies, and employees of the Department.
5	526-----	Obsolete. Provided that certain laborers placed in the competitive service by the Act of Mar. 3, 1905, were eligible for promotion without examination.
5	527-----	Obsolete. Authorized Secretary of Agriculture to make changes in salaries, etc. Salaries are now required to be fixed in accordance with the Classification Act of 1949, as amended, which is carried into this revision.
5	534-----	Superseded. Provided leave of absence for employees of the Department of Agriculture stationed outside the city of Washington. See note for Act of May 23, 1908, ch. 192, § 1 (4th par. on p. 267), 35 stat. 267.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
5	535-----	Superseded. Provided leave of absence for employees of the Department of Agriculture assigned in Hawaii, Alaska, Puerto Rico, and Guam. See note for Act of June 30, 1914, ch. 131, § 1 (4th full par. on p. 441), 38 Stat. 441.
5	536-----	Superseded. Provided for leave of absence for employees of the Department of Agriculture assigned to the Virgin Islands. See note for Act of July 24, 1919, ch. 26 (2d proviso on p. 262), 41 Stat. 262.
5	537-----	Superseded. Provided for leave of absence for employees of experiment stations in Alaska, Hawaii, and Puerto Rico. See note for Act of June 30, 1906, ch. 3913, 34 Stat. 694.
5	539-----	Superseded. Provided for traveling expenses for employees of the Department of Agriculture who are transferred from one official station to another. See note for Act of Mar. 4, 1911, ch. 238 (penultimate par.), 36 Stat. 1265.
5	540-----	Superseded. Provided for travel expenses for employees of the Department of Agriculture while on official business, and for per diem in lieu of subsistence. See note for Act of Aug. 10, 1912, ch. 284 (6th par. on p. 300), 37 Stat. 300.
5	541-----	Superseded. Authorized reimbursement for streetcar fares for employees of the Department of Agriculture. See note for Act of Aug. 10, 1912, ch. 284 (7th par. on p. 300), 37 Stat. 300.
5	541a-----	Superseded. Provided for mileage allowance for employees of the Department of Agriculture using privately owned automobiles. See note for Act of Sept. 21, 1944, ch. 412, title IV, § 401(d), 58 Stat. 738.
5	541b-----	Superseded. Authorized travel allowances for persons serving the Department of Agriculture in an advisory capacity. See note for Act of Sept. 21, 1944, ch. 412, title VII, § 706(b), 58 Stat. 742.
5	547-----	Expired. Authorized Secretary of Agriculture to exchange motor vehicles, etc. Section, which was based on Act of July 22, 1942, ch. 516, § 1, 56 Stat. 699, applied only to fiscal year 1943. Similar provisions, applying to earlier fiscal years, were contained in the Acts of July 1, 1941, ch. 267, § 1, 55 Stat. 443; June 25, 1940, ch. 421, § 1, 54 Stat. 568; June 30, 1939, ch. 253, title I, 53 Stat. 941; June 16, 1938, ch. 464, title I, 52 Stat. 750; June 29, 1937, ch. 404, 50 Stat. 432; June 4, 1936, ch. 489, 49 Stat. 1456; May 17, 1935, ch. 131, title I, § 1, 49 Stat. 280; Mar. 26, 1934, ch. 89, 48 Stat. 498; Mar. 3, 1933, ch. 203, 47 Stat. 1465; July 7, 1932, ch. 443, 47 Stat. 643; Feb. 23, 1931, ch. 278, 46 Stat. 1274; May 27, 1930, ch. 341, 46 Stat. 425; Feb. 16, 1929, ch. 227, 45 Stat. 1219; May 29, 1928, ch. 901, § 1, 45 Stat. 993; May 16, 1928, ch. 572, 45 Stat. 568; Jan. 18, 1927, ch. 39, 44 Stat. 1005; May 11, 1926, ch. 286, 44 Stat. 529; Feb. 10, 1925, ch. 200, 43 Stat. 850; May 31, 1920, ch. 217, 41 Stat. 728; and Mar. 4, 1917, ch. 179, 39 Stat. 1167.
5	556-----	Obsolete. Authorized Secretary of Agriculture to sell kelp produced by the Summerland, Calif., kelp plant. See note for Act of May 31, 1920, ch. 217, 41 Stat. 714.
5	556a-----	Executed. Authorized Secretary of Agriculture to sell the kelp plant at Summerland, Calif. See note for Act of Mar. 3, 1921, ch. 127, 41 Stat. 1333.
5	565-----	Expired. Established cost limitations for building of Bureau of Entomology and Plant Quarantine. Applied only to fiscal 1945. Similar provisions, applying to earlier years, were contained in the Acts of July 12, 1943, ch. 215, § 1, 57 Stat. 406; July 2, 1942, ch. 516, § 1, 56 Stat. 684; July 1, 1941, ch. 267, § 1, 55 Stat. 427; and June 25, 1940, ch. 421, § 1, 54 Stat. 551.
5	568-----	Expired. Established cost limitations on buildings of the Bureau of Agricultural and Industrial Chemistry. Applied only to fiscal 1945. Similar provisions applying to earlier years were contained in the Acts of July 12, 1943, ch. 215, § 1, 57 Stat. 408; July 22, 1942, ch. 516, § 1, 56 Stat. 682; July 1, 1941, ch. 267, § 1, 55 Stat. 425; June 25, 1940, ch. 421, § 1, 54 Stat. 550; and June 30, 1939, ch. 253, § 1, 53 Stat. 958.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
5	568b-----	Expired. Authorized transfer of appropriations between research projects, with limitations of 7 percent, during fiscal 1952.
5	592a-1-----	Executed. Abolished position of one Assistant Secretary in Department of Commerce. See note for Act of June 5, 1939, ch. 180, § 3, 53 Stat. 809.
5	592a-2-----	Superseded. Provided for promotion and pay of Administrative Assistant Secretary of Commerce. See note for Act of June 5, 1952, ch. 369, § 1101, 66 Stat. 121.
5	592c-----	Superseded. Authorized Secretary of Commerce to place position of Director, Office of Budget and Management, in GS-17. Superseded by Act of June 30, 1955, ch. 253, title I, § 104, 69 Stat. 234, which was later repealed by Act of Oct. 11, 1962, Pub. L. 87-793, § 607(a)(1), 76 Stat. 849.
5	593-----	Expired. Provided for Chief Clerk and Superintendent for Department of Commerce and authorized Secretary of Commerce to designate him to sign minor routine official papers and documents during the temporary absence of the Secretary and certain other officials of the Department. Section, which was taken from Department of Commerce Appropriation Act, 1945, 58 Stat. 414, was repealed by Act of July 16, 1952, ch. 878, § 1, 66 Stat. 710. Similar provisions which appeared in the following prior Acts expired at the end of the respective fiscal years: July 1, 1943, ch. 182, title III, 57 Stat. 290. July 2, 1942, ch. 472, title III, 56 Stat. 489. June 28, 1941, ch. 258, title II, 55 Stat. 277. May 14, 1940, ch. 189, title II, 54 Stat. 192. June 29, 1939, ch. 248, title III, 53 Stat. 907. Apr. 27, 1938, ch. 180, title III, § 1, 52 Stat. 269. June 16, 1937, ch. 359, title III, § 1, 50 Stat. 283. May 15, 1936, ch. 405, § 1, 49 Stat. 1331. Mar. 22, 1935, ch. 39, § 1, 49 Stat. 86. Apr. 7, 1934, ch. 104, title III, § 1, 48 Stat. 546. Mar. 1, 1933, ch. 144, title III, § 1, 47 Stat. 1388. July 1, 1932, ch. 361, title III, § 1, 47 Stat. 497. Feb. 23, 1931, ch. 280, title III, § 1, 46 Stat. 1329. Apr. 18, 1930, ch. 184, title III, § 1, 46 Stat. 193. Jan. 25, 1929, ch. 102, title III, 45 Stat. 1114. Feb. 15, 1928, ch. 57, title III, 45 Stat. 83. Feb. 24, 1927, ch. 189, title III, 44 Stat. 1199. Apr. 29, 1926, ch. 195, title III, 44 Stat. 349. Feb. 27, 1925, ch. 364, title III, 43 Stat. 1033. May 28, 1924, ch. 204, title III, 43 Stat. 224. Jan. 5, 1923, ch. 24, title I, 42 Stat. 1110.
5	597a-----	Obsolete. Consolidated Steamboat Inspection Service and Bureau of Navigation into Bureau of Navigation and Steamboat Inspection. See note for Act of June 30, 1932, ch. 314, § 501, 47 Stat. 415.
5	597a-1-----	Obsolete. Changed name of Bureau of Navigation and Steamboat Inspection. See note for Act of May 27, 1936, ch. 463, § 1, 49 Stat. 1380.
5	597b-----	Executed. Provided for transfer of property and personnel of the Bureau of Navigation and the Steamboat Inspection Service to the Bureau of Navigation and Steamboat Inspection. See note for Act of June 30, 1932, ch. 314, § 501, 47 Stat. 415.
5	597c-----	Executed and obsolete. Preserved rights and duties on the consolidation of the Steamboat Inspection Service and the Bureau of Navigation into the Bureau of Navigation and Steamboat Inspection. See note for Act of June 30, 1932, ch. 314, § 501, 47 Stat. 415.
5	597d-----	Executed. Provided that appropriations for the Steamboat Inspection Service and the Bureau of Navigation might be used by the Bureau of Navigation and Steamboat Inspection into which they were consolidated. See note for Act of June 30, 1932, ch. 314, § 501, 47 Stat. 415.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
5	600-----	Superseded. Transferred certain shipping and navigation functions from the Secretary of the Treasury to the Secretary of Commerce and Labor. See note for Act of Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829.
5	600a-----	Superseded. Authorized Secretary of Commerce to continue pay system for vessel employees of the Department until further legislation. Superseded by Act of Oct. 28, 1949, ch. 782, title II, § 202(8), 63 Stat. 958, which is carried into this revision.
5	600b-----	Expired. Section, based on the Act of Aug. 5, 1953, ch. 328, title IV, § 401 (proviso under "Inland Waterways Corporation"), 67 Stat. 385, limited pay of employees of Inland Waterways Corporation. Section applied only to fiscal 1954, and provision was not repeated in subsequent appropriation acts. Similar provisions, applicable to prior fiscal years, appeared in the following prior Acts: July 5, 1952, ch. 578, title III, § 301, 66 Stat. 417. Aug. 31, 1951, ch. 376, title IV, § 401, 65 Stat. 289. Sept. 6, 1950, ch. 896, title II, § 201, 64 Stat. 724. Aug. 24, 1949, ch. 506, title II, § 201, 63 Stat. 660. June 30, 1948, ch. 773, title II, § 201, 62 Stat. 1193. July 30, 1947, ch. 358, title II, § 201, 61 Stat. 581. July 20, 1946, ch. 589, title II, § 201, 60 Stat. 594.
5	605-----	Obsolete. Authorized the Secretary of Commerce to enter into a 5-year lease for offices. See note for Act of Mar. 1, 1919, ch. 86, § 1 (proviso on p. 1262), 40 Stat. 1262.
5	606a-----	Expired. Authorized Secretary of Commerce to reproduce and sell copies of reports released for public dissemination. Section, which was based on Act of Sept. 6, 1950, ch. 896, 64 Stat. 620, was effective only during fiscal year 1951. Similar provisions appeared in the following prior Acts: July 20, 1949, ch. 354, 63 Stat. 462; June 3, 1948, ch. 400, 62 Stat. 322; July 9, 1947, ch. 211, 61 Stat. 295. It was not repeated after 1950, but was superseded by Act of Sept. 9, 1950, ch. 936, 64 Stat. 823 (15 U.S.C. 1151-1157).
5	611c (as applicable to the Classification Act of 1949).	Superseded. Made Administrative Assistant Secretary of Labor subject to the Classification Act of 1949. See note for Act of June 5, 1952, ch. 369, § 1101, 66 Stat. 121.
5	619-----	Superseded. Provided that Secretary of Labor have power to act as mediator and to appoint commissioners of conciliation in labor disputes. Superseded by Act of June 23, 1947, ch. 120, title II, § 202, 61 Stat. 153. See note for Act of Mar. 4, 1913, ch. 141, § 8, 37 Stat. 738.
5	626c(c)-----	Executed. Provided for transfer of personnel of the Army Air Corps to the Air Force and preserved the rights, benefits, and privileges of the personnel who were transferred. The personnel have been transferred and existing rights are preserved by technical § 8 of this bill.
5	626d-----	Executed. Authorized transfer of appropriations available to the Army Air Forces to the Department of the Air Force. See note for Act of July 26, 1947, ch. 343, title III, § 306, 61 Stat. 509.
5	626y-----	Expired. Authorized Secretaries of Army, Navy, and Air Force to use appropriations for minor construction works. Section, which was based on Act of July 10, 1952, ch. 630, § 614, 66 Stat. 533, applied only to fiscal year 1953. Similar provisions for prior fiscal years appeared in the following Acts: Oct. 18, 1951, ch. 512, § 614, 65 Stat. 446; Sept. 27, 1950, ch. 1052, § 101, 64 Stat. 1063; Sept. 6, 1950, ch. 896, § 616, 64 Stat. 754; Oct. 29, 1949, ch. 787, § 619, 63 Stat. 1020.
5	630c-----	Executed. Abolished War Assets Administration, transferred functions, records, property, personnel, obligations, and commitments to General Services Administration, and authorized Administrator of General Services to continue or reappoint certain transferred personnel. See note for Act of June 30, 1949, ch. 288, § 105, 63 Stat. 381.
5	630f-----	Executed. Provided that employees of War Assets Administration transferred to General Services Administration need not be reappointed. See note for Act of June 30, 1949, ch. 288, § 108, 63 Stat. 382.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
5	630j (last 26 words) -----	Obsolete. Provided that the salary of the Comptroller of the General Services Administration should be at the salary rate of GS-18 as long as the position is held by the present incumbent. See note for the Act of June 27, 1956, ch. 452, title I, § 101, 70 Stat. 345.
5	633e -----	Obsolete and superseded. Related to the classification and compensation of employees transferred from the Personal Classification Bureau to the Civil Service Commission. See note for the Act of Mar. 28, 1934, ch. 102, § 1 (last proviso on p. 512), 48 Stat. 512.
5	636 -----	Expired. Authorized the Civil Service Commission, in case of emergency, to transfer or detail any of its employees to or from its office or field force. See note for Act of June 30, 1955, ch. 244, title I, § 101 (1st and 2d provisos under "Civil Service Commission"), 69 Stat. 199.
5	638a -----	Superseded. Prohibited age limitations on appointment to the competitive service and required temporary appointments for persons over age 70. Superseded by Act of June 27, 1956, ch. 452, title III, § 302, 70 Stat. 355. See note for Act of July 5, 1952, ch. 578, title I, § 101 (2d full par. on p. 398), 66 Stat. 398.
5	639 -----	Superseded. Provided for appointment and removal of certain deputy collectors of internal revenue and deputy marshals by the collector or marshal without regard to the Civil Service Act and rules. The Act of Nov. 26, 1940, ch. 919, title I, § 1, 54 Stat. 1211, authorized the President, by Executive order, to place positions in the classified (competitive) civil service, notwithstanding existing statutory exceptions. Acting under this authority, the President issued E.O. 8743, Apr. 23, 1941, 3 C.F.R., Cum. Supp., p. 927, which placed positions of deputy collectors and deputy marshals in the competitive service, thus superseding the statutory exception. By Reorg. Plan. No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, as amended, the power of appointment of deputy collectors was transferred to the Secretary of the Treasury, with authority to delegate the power. By Reorg. Plan. No. 2 of 1950, eff. May 14, 1950, 15 F.R. 3173, 64 Stat. 1261, as amended. The offices of collector and deputy collector of internal revenue were abolished pursuant to 1952 Reorg. Plan No. 1 eff. Mar. 14, 1952, 17 F.R. 2243, 66 Stat. 823. The power of appointment of deputy marshals was transferred to the Attorney General, with authority to delegate the power. The section, as affected by these amendments, is covered by R.S. § 169, as amended, which is carried into this revision. See note for Act of Oct. 22, 1913, ch. 32, § 1 (proviso under "Civil Service Commission"), 38 Stat. 208.
5	645 -----	Obsolete. Section directed extension of period of eligibility on civil service registers for persons serving in armed forces in wartime. The Civil Service Commission extended the period of eligibility for persons who served in World War I the remainder of the year to which entitled, unless this would be more than the period of military service, in which case the eligibility was extended for the period of military service (minute of Mar. 10, 1919, as amended Mar. 15, 1919, and May 2, 1919). By minute of Feb. 18, 1922, a further extension was granted those who were physically unable to take advantage of this law. By minute of Nov. 14, 1931, the Commission held that failure to take advantage of the law after demobilization, hospitalization, or vocational training, resulted in loss of eligibility. E. O. 8602, Nov. 25, 1940, extended similar benefits to persons serving in World War II. This order and subsequent orders on the subject were based on the authority of the Act of Jan. 16, 1883, ch. 27, § 2, 22 Stat. 403, which is carried into this revision. E. O. 8937, Nov. 7, 1941, superseded E. O. 8602. E.O. 9579, June 30, 1945, amended E.O. 8937 to require application for restoration 90 days after end of service or hospitalization. E.O. 9538, Apr. 13, 1945, gave an additional benefit, of requiring certification of the restored eligible if an eligible standing lower on the

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
		register had been appointed. The Act of July 31, 1946, ch. 714, 60 Stat. 749, as amended, added a further benefit, to make the employee's assumed date of entry into service that of the appointment of the lower standing eligible for pay and seniority purposes. E.O. 8937, 9579, and 9538 were revoked by E.O. 9830, Feb. 24, 1947. The Act of July 16, 1953, ch. 198, 67 Stat. 173, provides similar benefits for persons called to service under the Universal Military Training and Service Act. This Act is omitted, but not repealed (see table III). See note for Act of Mar. 1, 1919, ch. 86, § 1 (last sentence under "Civil Service Commission"), 40 Stat. 1224.
5	645a-----	Obsolete and covered by technical § 8 of this bill. Section provided for change in assumed date of entrance on duty for seniority purposes of certain employees who had been restored to registers under E.O. 9538, Apr. 13, 1945. E.O. 9538 was revoked by E.O. 9830, Feb. 24, 1947. Similar rights are provided by the Act of July 16, 1953, ch. 198, 67 Stat. 173 (table III). See note for Act of July 31, 1946, ch. 714, 60 Stat. 749.
5	645b-----	Obsolete. Provided that no person should, by reason of the enactment of § 645a of this title, be entitled to any compensation for any period prior to Aug. 1, 1946. See note for 5 U.S.C. 645a.
5	646-----	Obsolete. Established the division of efficiency of the Civil Service Commission as an independent establishment to be known as the Bureau of Efficiency. The Bureau of Efficiency was abolished by the Act of Mar. 3, 1933, ch. 212, § 17, 47 Stat. 1519.
5	647-----	Obsolete. Provided for the appointment of the Chief of the Bureau of Efficiency, his reports to Congress. See note for Act of Mar. 4, 1915, ch. 141, § 1 (last par. beginning on p. 1007), 38 Stat. 1007, and note for 5 U.S.C., § 646.
5	649-----	Obsolete. Provided that the Bureau of Efficiency investigate and report to the President, with recommendations, on the administrative needs relating to personnel in the executive branch. See note for 5 U.S.C. § 646.
5	649a-----	Obsolete. Extended investigatory authority of Bureau of Efficiency to the government of the District of Columbia. See note for Act of May 16, 1928, ch. 580, § 1, 45 Stat. 576.
5	650-----	Obsolete. Required employees of departments and agencies of the executive branch to furnish agents of the Bureau of Efficiency with all information required by the Bureau. See note for Act of Mar. 3, 1917, ch. 141, § 1, 38 Stat. 1007, and note under 5 U.S.C. § 646.
5	651-----	Obsolete. Provided for the transfer of records from the Central Bureau of Planning and Statistics to the Bureau of Efficiency. See note for Act of July 11, 1919, ch. 6, § 1, 41 Stat. 36, and note under 5 U.S.C. 646.
5	651a-----	Obsolete. Provided that the Chief of the Bureau of Efficiency report annually the savings effected in the various bureaus and offices of the Government as a result of recommendations of the Bureau. See note for Act of Feb. 20, 1929, ch. 270, § 1, 45 Stat. 1233.
5	651b-----	Executed. Abolished the Bureau of Efficiency; all records and property transferred to Bureau of the Budget. See note for Act of Mar. 3, 1933, ch. 212, § 17, 47 Stat. 1519.
5	673c (less provisos)-----	Executed and superseded. Provided for reestablishment and maintenance of the weekly compensation of wage-board employees of rates not lower than necessary to restore weekly earnings in accordance with the full-time weekly earnings under the respective wage schedules in effect on June 1, 1932. Also provided for adjustment of hours of labor between employees engaged in the trades and those whose pay was fixed under the Classification Act of 1923, as amended, construed full-time service, and provided adjustment of hourly rates of compensation. Executed as to reestablishment of pay rates and adjustment of hours of labor. Remainder superseded by § 202(7) of Classification Act of 1949, as amended, which is carried into this revision.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
5	675-----	Expired. Provided that during fiscal year 1926 the average salaries for employees in the competitive service in the District of Columbia should not exceed the average rate for the grade under the Classification Act of 1923, with certain exceptions. See note for Act of Jan. 22, 1925, ch. 87, 43 Stat. 764.
5	676-----	Executed. Provided that for fiscal year 1926 civilian positions in the field service not to be paid at rates in excess of those permitted during fiscal year 1925. See note for Act of Jan. 22, 1925, ch. 87, 43 Stat. 764.
5	677-----	Superseded. Provided that civilian field employees in the executive departments, etc., should be paid adjusted compensation not exceeding that permitted by Act of Dec. 6, 1924. Superseded by Act of Oct. 28, 1949, ch. 782, 63 Stat. 973. See note for Act of Mar. 5, 1928, ch. 126, § 2, 45 Stat. 193.
5	678b-----	Superseded. Provided that the salaries of the captains of the watch and guards in U.S. penitentiaries be fixed as provided under 5 U.S.C. 677. Superseded by Act of Oct. 28, 1949, ch. 782, 63 Stat. 954, as amended, which is carried into this revision.
5	680-----	Obsolete. Provided that no claims for additional compensation for services rendered between July 1, 1917, and June 30, 1924, should be considered unless presented within 6 months from Aug. 10, 1939. Now covered by statute of limitations. See note for Act of Aug. 10, 1939, ch. 641, 53 Stat. 1343.
5	691-----	Superseded. Authorized voluntary and involuntary retirement of employees under the Civil Service Retirement System. Superseded by the Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	691a-----	Superseded. Authorized voluntary and involuntary retirement of employees under the Civil Service Retirement System. Superseded by the Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	692-----	Superseded. Extended coverage of Civil Service Retirement System and authorized further extension. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	692a-----	Superseded. Provided for automatic separation of employees reaching mandatory retirement age, with certain limitations. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	692b-----	Superseded. Prohibited reemployment of persons of mandatory retirement age, with certain exceptions. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	693-----	Superseded. Established coverage of Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	693-1-----	Superseded. Provided for retirement of Members of Congress. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	693-2-----	Superseded. Provided for annuities for survivors of Members of Congress. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	693a-----	Superseded. Established coverage of Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	693b-----	Superseded. Extended coverage of Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	693c-----	Superseded. Provided for notice by employees desiring to be covered by the Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
5	693d-----	Superseded. Defined "employee in the legislative branch". Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	694-----	Obsolete. Provided that in the administration of the Civil Service Retirement Act approved May 22, 1920, the expression "all employees in the classified civil service of the United States," as used in sec. 1 thereof shall be construed to include all persons who have been heretofore or who may hereafter be given a competitive status in the classified civil service. The Act of Jan. 24, 1942, ch. 16, 56 Stat. 13, 15, amended secs. 1 and 3 of the Retirement Act and deleted any reference to "employees in the classified civil service" and authorized the President to make exclusions from the Act.
5	694a-----	Superseded. Provided method of computing annuities under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	695-----	Executed. Provided for pay of certain employees of the Treasury Department who had reached retirement age. See note for Act of Jan. 14, 1925, ch. 77, 43 Stat. 748.
5	695a-----	Superseded. Provided for computing creditable service under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	696-----	Executed. Validated prior payments to employees of the Treasury who had reached mandatory retirement age. See note for Act of Jan. 14, 1925, ch. 77, 43 Stat. 748.
5	696a-----	Superseded. Provided for disability retirement under the Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	697-----	Superseded. Excluded postmasters and certain employees of the Lighthouse Service from the Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	697a-----	Superseded. Provided immediate retirement under Civil Service Retirement System for certain employees involuntarily separated. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	698-----	Superseded. Established method of computing annuities under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	698a-----	Superseded. Increased existing annuities under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743. Existing rights are preserved by technical § 8 of this bill.
5	698b-----	Superseded. Provided for recognition of additional creditable service of Members of Congress under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	699-----	Superseded. Provided for computation of annuity under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	699a-----	Superseded. Provided for credits of past service, upon deposit, as creditable service under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	700-----	Superseded. Provided for computation of annuity under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	700a-----	Superseded. Provided for employee contributions and donations to Civil Service Retirement Fund. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
5	701.....	Superseded. Provided for computation of annuity under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	701a.....	Superseded. Provided for investment of Civil Service Retirement Fund. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	702.....	Superseded. Provided for computing annuity under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 410, 70 Stat. 743, which is carried into this revision.
5	702a.....	Superseded. Provided for refund of employee contributions to Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	703.....	Superseded. Provided for computing annuities under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	703a.....	Superseded. Provided for payment of, and application for, annuities under the Civil Service Retirement System. Superseded by the Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	704.....	Superseded. Provided for computation of annuity under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	705.....	Superseded. Provided for computation of annuity under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	705a.....	Superseded. Required the Civil Service Commission to keep certain records for the Civil Service Retirement System. Superseded by the Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	706.....	Superseded. Defined "basic salary, pay, or compensation". Superseded by the Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	706a.....	Superseded. Established Board of Actuaries of the Civil Service Retirement System, and provided for its appointment and pay. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	707.....	Superseded. Provided for computation of period of service creditable under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	707a.....	Superseded. Provided for duties of Commissioner of Pensions in administering Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	708.....	Superseded. Excluded periods of separation and certain leave without pay from service creditable under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	708a.....	Superseded. Exempted moneys handled under Civil Service Retirement System from assignment and legal process. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	709.....	Superseded. Provided for powers of Civil Service Commission in administering Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	710.....	Superseded. Provided for disability retirement under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
5	711.....	Superseded. Provided for medical examinations for annuitants retired for disability under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	712.....	Superseded. Authorized payment of fees for medical examinations under the Civil Service Retirement System. Superseded by the Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	713.....	Superseded. Provided for deferred annuity for "recovered" disability annuitants under the Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	714.....	Superseded. Prohibited simultaneous receipt of workmen's compensation and annuity under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	715.....	Superseded. Provided for mandatory retirement for age under Civil Service Retirement System, and for reemployment of annuitants. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	716.....	Superseded. Provided for application for, and waiver of, annuity under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	717.....	Superseded. Authorized Civil Service Commission to adjudicate claim for annuity under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	718.....	Superseded. Established beginning dates for annuities under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	718a.....	Superseded. Defined "annuitant". Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	719.....	Superseded. Provided for withholding employee contributions to Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	719-1.....	Superseded. Authorized voluntary employee contributions to purchase additional annuity under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	719a.....	Superseded. Provided for deferred deposit of certain employee contributions to Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	719b.....	Superseded. Provided exception to deferred deposit rule for certain employees desiring to be covered by Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	720.....	Superseded. Provided for investment of Civil Service Retirement Fund. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	721.....	Superseded. Authorized acceptance of donations to Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	722.....	Superseded. Established consent of employees to withholding of employee contributions to Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
5	724.....	Superseded. Provided for refund of employee contributions and for survivor annuity under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	725.....	Superseded. Prescribed time and manner of payment of annuities under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	726.....	Superseded. Required reports to Civil Service Commission of employees in nonpay status. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	727.....	Superseded. Required Civil Service Commission to keep certain records for Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	728.....	Superseded. Required annual report on Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	729.....	Superseded. Exempted moneys under Civil Service Retirement System from assignment and legal process. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	729a.....	Superseded. Authorized waiver of recovery of good-faith annuity payments under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	730.....	Superseded. Required Civil Service Commission to submit estimates of appropriations needed for Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	731.....	Superseded. Established Board of Actuaries and required periodic valuation of Civil Service Retirement Fund. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	732.....	Superseded. Provided for appointment and pay of Board of Actuaries of Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	733.....	Superseded. Provided for return of contributions and for deferred annuity under the Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	734.....	Superseded. Provided for immediate annuity under Civil Service Retirement System in certain cases. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	736b.....	Superseded. Provided for redeposit of employee contributions for past service or, alternatively, reduction of annuity under Civil Service Retirement System. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	737.....	Superseded. Denied annuity under Civil Service Retirement System to reemployed annuitants. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	738.....	Superseded. Provided for construction of 1922 amendments to 1920 Civil Service Retirement Act. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	739.....	Executed. Provided for transfer of retirement system of Office of Comptroller of the Currency to the Civil Service Retirement System. See note for Act of June 30, 1948, ch. 762, § 2-5, 62 Stat. 1163.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
5	740.....	Superseded. Extended coverage of Civil Service Retirement System to employees of The Alaska Railroad and the Canal Zone. Superseded by Act of July 31, 1956, ch. 804, title IV, § 401, 70 Stat. 743, which is carried into this revision.
5	740a.....	Executed. Transferred assets of Alaska Railroad and Canal Zone retirement funds to Civil Service Retirement System.
5	756a.....	Obsolete. Increased basis for computing workmen's compensation for injuries incurred before July 1, 1946. Existing rights are preserved by technical § 8 of this bill.
5	791-1.....	Executed. Extended time for filing claims for injuries or deaths outside United States during period from Dec. 7, 1941, to Aug. 11, 1946. Time during which such claims could be filed ended 5 years after Oct. 14, 1949.
5	791-2.....	Executed. Provided that enactment of 1949 amendments did not interrupt running of limitations, which, in any case, expired Oct. 14, 1954.
5	791-3.....	Executed. Prevented reopening of cases, on the basis of 1949 amendments, which had been settled prior to that time.
5	791-4(a).....	Executed. Provided that nothing contained in the Federal Employees' Compensation Act Amendments of 1949 should be construed to effect the exclusion of certain seamen from the terms of the Federal Employees' Compensation Act, as provided in 50A U.S.C. 1291. Existing rights and liabilities are preserved by technical § 8 of this bill.
5	791a.....	Executed. Validated prior payments to persons covered in § 1 of Act of Apr. 11, 1940.
5	792.....	Superseded. Provided for transfer of administration of act from chairman of Alaskan Engineering Commission to his successor. Language made obsolete by 1938 amendment (Apr. 6, 1938, ch. 79, 52 Stat. 200), which substituted the general manager of The Alaska Railroad for the chairman of the Alaskan Engineering Commission.
5	795.....	Obsolete. Provided for compensation for disability or death of employees of U.S. Shipping Board Merchant Fleet Corporation, which was dissolved by Act of June 29, 1936, ch. 858, § 203, 49 Stat. 1987.
5	796.....	Obsolete. Extended workmen's compensation to employees of Federal Civil Works Administration, whose activities terminated Mar. 31, 1934. Existing rights are preserved by technical § 8 of this bill.
5	800.....	Obsolete. Provided for preservation of rights of beneficiaries for death of Public Health Service officers notwithstanding repeal of act affording those rights. Existing rights are preserved by technical § 8 of this bill.
5	803(d).....	Executed. Provided for retroactive application of the section to certain members of the Civil Air Patrol and for termination of benefits under other provisions of law. Any existing rights are preserved by technical § 8 of this bill.
5	834.....	Expired. Provided for travel expenses for employees of Federal Housing Administration. Section, which was taken from the Independent Offices Appropriation Act, 1946, May 3, 1945, ch. 106, title I, § 101, 59 Stat. 123, applied only during the fiscal year for which the Act was enacted, and was not repeated in subsequent Acts. Similar provisions appeared in the following prior Acts: June 27, 1944, ch. 286, title I, § 101, 58 Stat. 377. June 26, 1943, ch. 145, title I, § 101, 57 Stat. 187. June 27, 1942, ch. 450, § 1, 56 Stat. 401. Apr. 5, 1941, ch. 40 § 1, 55 Stat. 100. Apr. 18, 1940, ch. 107, § 1, 54 Stat. 121.
5	866.....	Unnecessary. Defined "Civil Service Commission". Unnecessary in view of the provisions of this revision.
5	867.....	Unnecessary. Preserved existing rights of preference eligibles. Existing rights are preserved by technical § 8 of this bill.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
5	901(c) (less applicability to the legislative branch).	Obsolete. Provided that subch. V of the chapter of which it was a part should apply to certain employees in the judicial branch. See note for Act of June 30, 1945, ch. 212, title I, § 101(c) (less applicability to the legislative branch), 59 Stat. 296.
5	932d(e)-----	Executed. Limited retroactive pay increases provided by the Act of which it was a part.
5	932f(g)-----	Executed. Provided effective date for pay increases.
5	934-----	Superseded. Provided pay increase for certain employees in the judicial branch. Superseded by Act of June 25, 1948, ch. 646, 62 Stat. 869.
5	935-----	Superseded. Provided pay increase for certain employees in the judicial branch. Superseded by Act of June 25, 1948, ch. 646, 62 Stat. 869.
5	942-----	Obsolete. Authorized pay increases for certain employees. See note for Act of June 30, 1945, ch. 212, title VI, § 602, 59 Stat. 302.
5	942a-----	Obsolete. Authorized pay increases for certain employees. See note for Act of May 24, 1946, ch. 270, § 3, 60 Stat. 216.
5	942b-----	Obsolete. Provided pay increases for certain employees in the executive branch and the government of the District of Columbia. See note for Act of May 24, 1946, ch. 270, § 4, 60 Stat. 216.
5	943a-----	Superseded. Provided that an employee could not be paid basic pay plus premium pay at a rate in excess of \$10,330 per annum. Superseded by Act of Sept. 1, 1954, ch. 1208, title II, § 209, 68 Stat. 1112, which is carried into this revision.
5	948-----	Obsolete. Provided that amounts payable under the Federal Employees Pay Act of 1945 are not considered in determining the annual rate of compensation for the purposes of §§ 59a and 59b of Title 5, U.S.C. Sections 59a and 59b of Title 5 were repealed by § 402(a)(20), (37) of the Act of Aug. 19, 1964, Pub. L. 88-448, 78 Stat. 494-5.
5	949-----	Expired. Provided for payment of claims for overtime worked before July 31, 1946. See note for Act of July 31, 1946, ch. 712, 60 Stat. 747.
5	950-----	Expired. Provided for certification of claims for overtime worked before July 31, 1946. See note for Act of July 31, 1946, ch. 712, 60 Stat. 747.
5	951-----	Expired. Limited claims for overtime worked before July 31, 1946. See note for Act of July 31, 1946, ch. 712, 60 Stat. 747.
5	952-----	Expired. Prohibited deductions from pay for overtime performed prior to July 31, 1946, and paid under the act of which this section is a part. See note for Act of July 31, 1946, ch. 712, 60 Stat. 747.
5	953-----	Expired. Authorized issuance of regulations to carry out the act of which it was a part. See note for Act of July 31, 1946, ch. 712, 60 Stat. 747.
5	954-----	Expired. Prohibited payment of compensation to agents for collection of claims authorized by the act of which it is a part. See note for Act of July 31, 1946, ch. 712, 60 Stat. 747.
5	956-----	Superseded. Provided that certain additional compensation should not be considered an "equivalent increase". See note for Act of July 3, 1948, ch. 830, title III, § 302, 62 Stat. 1267.
5	957-----	Superseded. Provided that an employee could not be paid basic pay plus premium pay at a rate in excess of \$10,330 per annum. Superseded by Act of Sept. 1, 1954, ch. 1208, title II, § 209, 68 Stat. 1112, which is carried into this revision.
5	958-----	Obsolete. Postponed effective date of certain pay increases for employees of the District of Columbia. See note for Act of July 3, 1948, ch. 830, title III, § 304, 62 Stat. 1268.
5	1056-----	Obsolete. Provided that chapter 20 of Title 5 should not be construed as affecting the compensation, rights, or benefits of student nurses receiving training in accordance with §§ 1451-1462 of appendix to Title 50. See note for Act of Aug. 4, 1947, ch. 452, § 7, 61 Stat. 728.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
5	1075-----	Executed. Provided that nothing in the Classification Act of 1949 (63 Stat. 954) shall be construed to affect the application to officers and employees to whom the Act applies of the veteran-preference provisions in the Civil Service Act, as amended, and the Veterans' Preference Act of 1944, as amended. See note for the Act of Oct. 28, 1949, ch. 782, title XI, § 1104, 63 Stat. 972.
5	1105(m)-----	Executed. Authorized and directed Civil Service Commission to withdraw from each agency, to which additional positions in GS-16, 17, and 18 were authorized by any Act of the 87th Congress, an equal number of such positions as were allocated to such agency under § 505(b) of the Classification Act of 1949, as amended. The positions have been withdrawn.
5	1114-----	Executed. Provided for continuation of certain existing rates of basic pay until positions become vacant, etc. Existing rights and liabilities are preserved by technical § 8 of this bill.
5	1115-----	Obsolete. Provided that any pay raise made by the Classification Act of 1949 should not be considered equivalent to a step increase.
5	1116-----	Superseded. Fixed pay for certain positions at rate for GS-18. See note for Act of June 5, 1952, ch. 369, ch. XI, § 1101, 66 Stat. 121.
5	1184-----	Executed. Provided that chapter of which it was a part should not apply to wage surveys ordered before Sept. 1, 1958. See note for Act of Sept. 2, 1958, Pub. L. 85-872, § 4, 72 Stat. 1697.
5	2066 (less (a))-----	Executed. Provided for conversion of calendar days of leave to work-day basis, for effect on other laws, and for rate of accrual of leave for certain employees in the postal service. Any existing rights are preserved by technical § 8 of this bill.
5	2068-----	Executed. Provided for the crediting of an initial sick leave balance for officers and members of the Metropolitan Police force, the Fire Department (other than officers and employees of the firefighting division), the United States Park Police force, and the White House Police force. The leave accounts have been credited and any existing rights are preserved by technical § 8 of this bill.
5	2069-----	Executed. Provided for the crediting of an initial sick leave balance for officers and members of the Firefighting Division of the Fire Department of the District of Columbia. The leave accounts have been credited and any existing rights are preserved by technical § 8 of this bill.
5	2070-----	Executed. Defined the term "service" for the purpose of computing the initial sick leave balance as authorized in §§ 2068 and 2069 of Title 5, U.S.C.
5	2211(g)-----	Expired. Authorized the President to place, until Feb. 1, 1965, in levels IV and V of the Federal Executive Salary Schedule not to exceed 30 offices and positions.
5	3002(g)-----	Executed. Provided for enrollment of certain annuitants in approved health benefits plans upon application before Dec. 31, 1964.
5	3008(a)-----	Executed. Authorized payment of administrative expenses incurred by the Civil Service Commission in carrying out the Federal Employees Health Benefits Act of 1959 for fiscal years 1960 and 1961, without regard to limitations on expenditures.
5	3077-----	Executed. Continued authority to make allotments and assignments in accordance with provisions of law amended or repealed by the Act of which it was a part. Authority expired not later than Mar. 25, 1962.
7	1858-----	Executed. Established Commission on Increased Industrial Use of Agricultural Products; provided for appointment and pay of its members and employees; prescribed its duties; and directed its termination not later than June 15, 1957.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
10	1580.....	Unnecessary. The authority conferred by this section on the Secretary of Defense is superfluous, since, upon establishment of the Department of Defense, as an executive department, the Secretary of Defense, as head thereof, automatically was invested with authority to employ civilian employees for the Department of Defense (R.S. § 169, as amended (5 U.S.C. 43)), and to fix their compensation (section 4 of the Classification Act of 1923 (42 Stat. 1489), since superseded by the Classification Act of 1949).
10	7474.....	Superseded. The source law for this section (section 8 of the Act of Dec. 21, 1861, ch. 1, as amended (12 Stat. 587)) was impliedly superseded and repealed by sections 202(7) and 1204 of the Classification Act of 1949, as amended (5 U.S.C. 1082(7)) and accordingly, was erroneously codified in title 10.
12	9a.....	Superseded. Authorized the Comptroller of the Currency to fix in advance the pay of certain of his employees. See note for Act of Mar. 4, 1923, ch. 252, title II, § 209(b) (4th sentence), 42 Stat. 1467.
12	127.....	Superseded. Provided for appointment and pay of certain employees of the Treasury Department. See note for Act of Mar. 3, 1875, ch. 130, § 3, 18 Stat. 399.
12	636 (proviso).....	Superseded. Limited pay of persons employed by the Governor of the Farm Credit Administration. See note for Act of May 12, 1933, ch. 25, title II, § 40 (proviso), 48 Stat. 51.
12	640(c).....	Obsolete. Provided that the Acts of Mar. 14, 1936, relating to leave, should not apply to employees of certain corporations under the supervision of the Farm Credit Administration. The Acts of Mar. 14, 1936, were repealed by the Act of Oct. 30, 1951, ch. 631, title II, § 207(a) (1), (2), 65 Stat. 682.
12	953.....	Superseded. Provided that the salaries of land bank examiners shall be fixed by the Farm Credit Administration. See note for Act of July 17, 1916, ch. 245, title I, § 28 (3d par.), 39 Stat. 381.
12	1131.....	Obsolete. Provided for establishment of Production Credit Corporations, and authorized appointment and pay of their employees. The Production Credit Corporations were merged with the Federal intermediate credit banks, Act of July 26, 1956, ch. 741, title I, § 101, 70 Stat. 659.
12	1701d.....	Superseded. Fixed pay of Housing and Home Finance Administrator. Superseded by § 303(b)(6) of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 416.
12	1701f-1.....	Obsolete. Established position of Director of Housing Research in Housing and Home Finance Agency and fixed his compensation. Made obsolete by Act of July 31, 1953, ch. 302, title I, § 101, 67 Stat. 305, which provided \$125,000 to liquidate the housing research program by Apr. 30, 1954. This effectively made obsolete title III of Act of Aug. 10, 1948, ch. 832, 62 Stat. 1276, and title IV of Act of July 15, 1949, ch. 338, 63 Stat. 431, on which this section is based.
15	197e.....	Superseded. Provided for travel expenses of employees of Bureau of Foreign and Domestic Commerce. See note for Act of Mar. 3, 1927, ch. 365, § 6, 44 Stat. 1396.
15	283.....	Expired. Related to appointment, pay, and allowances of employees assigned to Arctic stations. Section, which was based on Acts of Sept. 6, 1950, ch. 896, § 301, 64 Stat. 628; and July 20, 1949, ch. 354, § 301, 63 Stat. 468, applied only to fiscal years 1950 and 1951.
15	602.....	Obsolete. Provided for appointment, compensation, and duties of the Board of Directors of the Reconstruction Finance Corporation. See note for Act of Jan. 22, 1932, ch. 8, § 3, 47 Stat. 5.
15	603.....	Obsolete. Provided for powers of Reconstruction Finance Corporation. See note for Act of Jan. 22, 1932, ch. 8, § 3, 47 Stat. 5.
16	17a.....	Superseded. Provided for travel allowances and mileage for administration of National Park Service. See note for Act of May 26, 1930, ch. 324, § 2, 46 Stat. 382.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
16	454-----	Obsolete. Authorized certain officers to administer oaths to expense accounts. See note for Act of June 6, 1939, ch. 185, 53 Stat. 810.
16	553a-----	Superseded. Fixed pay of the Chief Forester, Department of Agriculture. Superseded by Act of Aug. 14, 1964, Pub. L. 88-426, § 303(e)(36), 78 Stat. 420.
16	558-----	Superseded. Provided for leaves of absence to employees in the Forest Service stationed permanently in Alaska. Superseded by Acts of Oct. 30, 1951, ch. 631, title II, § 202, 65 Stat. 679; July 2, 1953, ch. 178, § 1, 67 Stat. 136.
19	50-----	Obsolete. Authorized certain officers to administer oaths to expense accounts without fee for such services. See note for Act of June 6, 1939, ch. 185, 53 Stat. 810.
19	51-----	Superseded by Act of Oct. 28, 1949, ch. 782, 63 Stat. 954. Provided that, except for laborers, pay of customs officers and employees fixed under this act should not exceed 30 percent of the limitations of existing law. See note for Act of Mar. 4, 1923, ch. 251, § 7, 42 Stat. 1454.
19	63-----	Superseded. See note for Act of Aug. 28, 1890, ch. 812, § 1, 26 Stat. 362. Provided for leaves of absence of officers and employees of the customs service who receive per diem compensation. Superseded by Act of Oct. 30, 1951, ch. 651, title II, § 202, 65 Stat. 679, and the Act of July 2, 1953, ch. 178, § 1, 67 Stat. 136.
22	109-----	Obsolete. See note for R.S. § 1706.
22	268a-----	Expired. Provided that the Commissioners on the part of the United States of the International Joint Commission serve in that capacity without additional compensation, and allowed traveling expenses. Section, which was based on Act of May 14, 1940, ch. 189, title I, 54 Stat. 191, applied only to fiscal year 1941. Similar provisions appeared in the following prior Acts: June 29, 1939, ch. 248, title I, 53 Stat. 895; Apr. 27, 1938, ch. 180, § 1, 52 Stat. 256; June 16, 1937, ch. 359, § 1, 50 Stat. 270; May 15, 1936, ch. 405, § 1, 49 Stat. 1319; and Mar. 22, 1935, ch. 39, § 1, 49 Stat. 75.
22	281k-----	Executed. Provided for transfer from two Delaware corporations to the Institute of Inter-American Affairs created by the act of all personnel, assets, liabilities, duties, and powers. See note for Act of Aug. 5, 1947, ch. 498, § 12, 61 Stat. 733.
22	289c(b) (proviso)-----	Obsolete. Provided an exception to the personnel ceiling imposed by 5 U.S.C. 947, which was repealed by the Act of Sept. 12, 1950, ch. 946, title III, § 301(85), 64 Stat. 843. See note for Act of July 1, 1947, ch. 185, § 4 (proviso), 61 Stat. 216.
22	661-----	Expired. Provided for appointment, tenure, pay, and powers of American Mexican Claims Commission; and appointment and pay of personnel. Expired Apr. 4, 1947, by terms of Act of Apr. 3, 1945, ch. 52, § 5, 59 Stat. 50. See note for Act of Dec. 18, 1942, ch. 766, § 2, 56 Stat. 1058.
22	1480-----	Superseded. Authorized Secretary of State to prescribe rates not to exceed \$12 per diem in lieu of subsistence for certain employees abroad. Superseded by Act of Aug. 1, 1956, ch. 841, § 12, 70 Stat. 892. See note for Act of July 10, 1952, ch. 651, title I, § 109, 66 Stat. 555.
22	1622(a), (b)-----	Obsolete. Provided for appointment and pay of International Claims Commission and its employees. See note for Act of Mar. 10, 1950, ch. 54, § 3(a), (b), 64 Stat. 13.
24	167-----	Superseded. Authorized the Secretary of the Interior to adjust pay of officers and employees of St. Elizabeths Hospital. Superseded by the Act of Oct. 28, 1949, ch. 782, 63 Stat. 954. See note for Act of July 19, 1919, ch. 24, § 1 (proviso), 41 Stat. 205.
25	34-----	Obsolete. Authorized superintendent, acting superintendent, and principal clerks of the different Indian superintendencies to administer oaths to travel or other expense account against the United States without charge. See note for Act of Aug. 24, 1912, ch. 355, § 8, 37 Stat. 487, and Act of June 6, 1939, ch. 185, 53 Stat. 810.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
25	42-----	Obsolete. Provided for interpreters for Indian agencies under Department of the Interior. See note for R.S. § 2068.
25	54-----	Superseded. Provided for actual expenses or a reasonable sum in lieu thereof for official travel. Superseded by the Act of June 9, 1949, ch. 185, 63 Stat. 166, which is carried into this revision.
25	55-----	Superseded. Authorized per diem of \$4 per day for employees of the Indian Service. Superseded by the Act of June 9, 1949, ch. 185, 63 Stat. 166. See note for Act of May 17, 1882, ch. 163, § 1, 22 Stat. 86.
28	548-----	Obsolete. Section authorized marshals to administer oaths to persons presenting claims and accounts for payment. Oaths are no longer required.
28	552-----	Superseded. Authorized the Attorney General to fix the pay of U.S. marshals, deputy marshals, and their clerical assistants. Superseded by Act of Oct. 23, 1949, ch. 782, 63 Stat. 954, which is carried into this revision.
28	962-----	Superseded. Provided for travel allowances for employees of the judicial branch. Superseded by Act of June 9, 1949, ch. 185, 63 Stat. 166, which is carried into this revision.
29	49c-3-----	Superseded. Provided for refund of retirement deductions and interest to members of Social Security Boards returning to State employment. See note for Act of July 26, 1946, ch. 672, title I, § 101 (1st full par. on p. 685), 60 Stat. 685.
30	194-----	Obsolete. Authorized Secretary of the Interior to fix fees and commissions for registers of land offices. See note for R.S. § 2222.
31	55-----	Superseded. Section directed Civil Service Commission to establish register for accountants for the General Accounting Office, with examinations to be based on questions approved by the Comptroller General. Superseded by the Act of May 24, 1946, ch. 270, § 13, 60 Stat. 219, 5 U.S.C. 933a.
33	573-----	Obsolete. Made exception to personnel limitation. See note for Act of May 17, 1950, ch. 188, title I, § 111, 64 Stat. 170.
33	582-----	Superseded. Provided for travel expenses chargeable to the Engineer Department. See note for Act of July 18, 1918, ch. 155, § 9, 40 Stat. 912.
33	584-----	Superseded. Authorized payment of actual expense of transporting household effects on permanent change of station. See note for Act of Jan. 21, 1927, ch. 47, § 5(d), 44 Stat. 1021.
33	584a-----	Superseded. Authorized payment of actual travel expenses on permanent change of station. See note for Act of July 3, 1930, ch. 847, § 6 (4th par.), 46 Stat. 948.
33	645-----	Superseded. Provided for travel expenses of civilian members of the Mississippi River Commission, etc. See note for Act of July 25, 1912, ch. 253, § 1, 37 Stat. 218.
33	7017-1-----	Obsolete. Permitted hiring retired employees for certain purposes. See note for Act of May 17, 1950, ch. 188, title II, § 214, 64 Stat. 184.
33	942-----	Superseded. Provided for travel and subsistence allowances of certain employees under Longshoremen's and Harbor Workers' Compensation Act. See note for Act of Mar. 4, 1927, ch. 509, § 42, 44 Stat. 1444.
40	77a-----	Expired. Authorized Secretary of the Treasury to detail two Secret Service agents to supervise the Treasury guard force. Section, which was taken from the Treasury and Post Office Departments Appropriation Act, 1952, Aug. 11, 1951, ch. 301, title I, § 101, 65 Stat. 185, applied only during the fiscal year for which the Act was enacted, and was not repeated in subsequent Acts. Similar provisions appeared in the following prior Acts: Sept. 6, 1950, ch. 896, ch. IV, title I, § 101, 64 Stat. 658. June 30, 1949, ch. 286, title I, § 101, 63 Stat. 362. June 14, 1948, ch. 466, title I, § 101, 62 Stat. 413. July 1, 1947, ch. 186, title I, § 101, 61 Stat. 222. July 20, 1946, ch. 588, title I, § 101, 60 Stat. 576. Apr. 24, 1945, ch. 92, title I, 59 Stat. 64.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
		<p>Apr. 22, 1944, ch. 175, title I, § 1, 58 Stat. 204. June 30, 1943, ch. 179, title I, 57 Stat. 260. Mar. 10, 1942, ch. 178, title I, § 1, 56 Stat. 152. May 31, 1941, ch. 156, title I, § 1, 55 Stat. 214. Mar. 25, 1940, ch. 71, title I, 54 Stat. 57. May 6, 1939, ch. 115, title I, § 1, 53 Stat. 657.</p>
40	165-----	Obsolete. Provided that the disbursing clerk of the Department of the Interior shall act as disbursing clerk for the Architect of the Capitol. See note for Act of Mar. 3, 1879, ch. 182, § 1 ("Public Buildings", 2d sentence), 20 Stat. 391.
40	232b-----	Executed. Provided manner of acquiring competitive civil-service status for persons employed in the National Archives establishment 6 months after May 23, 1938. Status was acquired, rights are vested and section has no further prospective effect.
42	70-----	Expired. Authorized Secretary of the Navy to prescribe per diem allowances for Public Health Service officers detailed to the Coast Guard. Section, which was taken from the Act of June 30, 1949, ch. 286, title I, 63 Stat. 365, applied only during the fiscal year 1950, and was not repeated in subsequent Acts. Similar provisions appear in the following prior Acts: June 19, 1948, ch. 558, title I, § 101, 62 Stat. 562. July 1, 1947, ch. 186, title I, § 101, 61 Stat. 225. July 12, 1946, ch. 569, § 1, 60 Stat. 530. May 29, 1945, ch. 130, § 101, 59 Stat. 215, 216. June 22, 1944, ch. 269, title I, § 101, 58 Stat. 315. June 26, 1943, ch. 147, title I, § 101, 57 Stat. 210. Mar. 31, 1943, ch. 30, § 101, 57 Stat. 55.
43	10-----	Obsolete. Authorized the depository for the Commissioner of the General Land Office as receiver of public moneys to designate a clerk to act in his absence. See note for R.S. § 446.
43	24-----	Superseded. Authorized payment of mileage for automobile travel. Superseded by Act of June 9, 1949, ch. 185, 63 Stat. 166.
43	70-----	Obsolete. Authorized the President to consolidate the offices of register and receiver in any land district and to appoint a register for such office; provided for pay of register and prohibited commissions from exceeding \$3,000 per year. See note for Act of Oct. 28, 1921, ch. 114, 42 Stat. 208.
43	71-----	Obsolete. Provided for consolidation of the offices of register and receiver, effective July 1, 1925, in accordance with the Act of Oct. 28, 1921, 42 Stat. 208. See note for Act of Mar. 3, 1925, ch. 462, 43 Stat. 1145.
43	73-----	Obsolete. Authorized temporary filling of vacancies. See note for Act of Oct. 28, 1921, ch. 114, 42 Stat. 208.
43	381-----	Superseded. Provided for commissions for registers and receivers of land offices. Superseded by Act of Apr. 24, 1944, ch. 177, § 3, 58 Stat. 215.
43	385-----	Expired. Authorized Secretary of the Interior to contract for medical services for employees and make payroll deductions. Section was based on Act of Aug. 9, 1937, ch. 570, § 1, 50 Stat. 592, which Act was applicable to fiscal year 1938. Similar provisions, applying to earlier years, appeared in the Acts of June 22, 1936, ch. 691, § 1, 49 Stat. 1781; May 9, 1935, ch. 101, § 1, 49 Stat. 197; Mar. 2, 1934, ch. 38, § 1, 48 Stat. 380; Feb. 17, 1933, ch. 98, § 1, 47 Stat. 842; Apr. 22, 1932, ch. 125, § 1, 47 Stat. 114; Feb. 14, 1931, ch. 187, § 1, 46 Stat. 1142; May 14, 1930, ch. 273, § 1, 46 Stat. 306; Mar. 4, 1929, ch. 705, § 1, 45 Stat. 1589; Mar. 7, 1928, ch. 137, § 1, 45 Stat. 227; and Jan. 12, 1927, ch. 27, § 1, 44 Stat. 957.
44	44-----	Superseded. Provided for certain holidays with pay for employees of the Government Printing Office. See note for Act of Jan. 12, 1895, ch. 23, § 46, 28 Stat. 607.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
44	46-----	Superseded. Provided for leave of employees of the Government Printing Office. Superseded by Act of Oct. 30, 1951, ch. 631, title II, 65 Stat. 607.
46	261-----	Obsolete. Preserved effect of certain laws existing on Apr. 24, 1906. See note for Act of Apr. 24, 1906, ch. 1865, § 3, 34 Stat. 136.
47	84a-----	Obsolete. Provided for appointment and pay of a general counsel, assistant general counsel, and other legal assistants for the Federal Radio Commission. See note for Act of Mar. 4, 1929, ch. 701, § 5, 45 Stat. 1559.
47	84b-----	Obsolete. Provided for appointment and pay of a chief engineer and other technical assistants to the Federal Radio Commission. See note for Act of Dec. 18, 1929, ch. 7, § 3, 46 Stat. 50.
48	72-----	Obsolete. Provided for pay of Legislature of former Territory of Alaska. See note for Act of Aug. 24, 1912, ch. 387, § 4, 37 Stat. 513.
48	134-----	Obsolete. Provided for pay and allowances of the Delegate to Congress from Alaska. See note for Act of May 7, 1906, ch. 2083, § 2, 34 Stat. 170.
48	1391-----	Superseded. Provided for appointment and pay of the Governor of the Virgin Islands and other employees. See note for the Act of Mar. 3, 1917, ch. 171, § 1, 39 Stat. 1132.
48	1392a-----	Superseded. Fixed pay of judge of the District Court of the Virgin Islands. Superseded by the Act of July 22, 1954, ch. 558, § 24, 68 Stat. 506; 48 U.S.C. 1614.
48	1405h-----	Superseded. Established qualifications for membership in the municipal councils of the Virgin Islands. Superseded by Act of July 22, 1954, ch. 558, § 6(b), 68 Stat. 499; 48 U.S.C. 1572(b).
48	1405i-----	Superseded. Provided for travel and subsistence allowances for legislators of the Virgin Islands. Superseded by Act of July 22, 1954, ch. 558, § 6(e), 68 Stat. 499; 48 U.S.C. 1572(e).
48	1405s-----	Superseded. Established the office of Governor of the Virgin Islands and prescribed his powers and duties. Superseded by the Act of July 22, 1954, ch. 558, § 11, 68 Stat. 503; 48 U.S.C. 1591.
48	1405s-1-----	Superseded. Fixed pay of the Governor of the Virgin Islands. Superseded by Act of July 31, 1956, ch. 804, § 106(b), 70 Stat. 739, and the Act of Aug. 14, 1964, Pub. L. 88-426, §§ 305(1), 309, 78 Stat. 422, 433.
48	1405t-----	Superseded. Provided for appointment of a Government Secretary for the Virgin Islands and prescribed his duties and powers. Superseded by the Act of July 22, 1954, ch. 558, § 12, 14, 68 Stat. 503, 504; 48 U.S.C. 1593, 1595.
48	1405y-----	Superseded. Provided for appointment, tenure, removal, and pay of U.S. attorney, judge, and other officers in the Virgin Islands. Superseded by Act of July 22, 1954, ch. 558, § 24, 27, 68 Stat. 506, 507; 48 U.S.C. 1614, 1617.
48	1406j-----	Superseded. Required employees of the Virgin Islands Government to be citizens and to take an oath of office. Superseded by the Act of July 22, 1954, ch. 558, § 29, 68 Stat. 509; 48 U.S.C. 1543.
48	1592-----	Superseded. Fixed pay of the Governor of the Virgin Islands. Superseded by Act of July 31, 1956, ch. 804, title I, § 106, 70 Stat. 737, and the Act of Aug. 14, 1964, Pub. L. 88-426, §§ 305(1) and 309, 78 Stat. 422, 433.
50A	601-----	Expired. Authorized President to reorganize government. See note for Act of Dec. 18, 1941, ch. 593, 55 Stat. 838.
50A	602-----	Expired. Authorized President to reorganize or consolidate agencies and transfer personnel, etc. See note for Act of Dec. 18, 1941, ch. 593, 55 Stat. 838.
50A	603-----	Expired. Authorized President to use appropriated funds to reorganize government. See note for Act of Dec. 18, 1941, ch. 593, 55 Stat. 838.
50A	604-----	Expired. Authorized President to recommend to Congress abolition of bureaus as he saw fit. See note for Act of Dec. 18, 1941, ch. 593, 55 Stat. 838.

TABLE II-d.—*United States Code*—Continued

United States Code, 1964 ed.		Explanation
Title	Section	
50A	605-----	Expired. Suspended operation of conflicting laws. See note for Act of Dec. 18, 1941, ch. 593, 55 Stat. 838.
50A	901a(h)-----	Obsolete. Provided for appointment, pay, and duties of Price Decontrol Board; appointment and pay of personnel; and petitions for decontrol of prices. See note for Act of July 25, 1946, ch. 671, § 3(h), 60 Stat. 669.
50A	1002(b), (c)-----	Executed. Provided that Philippine Scouts could file claims for pay and allowances under the Missing Persons Act until Aug. 29, 1960, and limited fees of agents and attorneys on any such claims. Any existing rights are preserved by technical § 8 of this bill.
50A	1012a-----	Executed. Provided that certain claims under § 12 of the Missing Persons Act could, until Aug. 29, 1954, be presented for consideration and reimbursement; and ratified certain prior payments under that Act. Any existing rights are preserved by technical § 8 of this bill.
50A	1015-----	Executed. Prescribed effective date for the Missing Persons Act.
50A	1016-----	Superseded. See note for § 16 of the Act of Mar. 7, 1942, ch. 166, 56 Stat. 147.
50A	1017-----	Executed. Authorized a new lock for Saint Marys Falls Canal, Michigan.
50A	1507(c)-----	Expired. Provided for disqualification of member of National War Labor Board in any decision where there is a conflict of interest. See note for Act of June 25, 1943, ch. 144, § 7(c), 57 Stat. 166.
50A	1614a-----	Obsolete. See note for Act of Sept. 18, 1945, ch. 368, 59 Stat. 533.
50A	1614b-----	Obsolete. See note for Act of Sept. 18, 1945, ch. 368, 59 Stat. 533.
50A	1811-1820-----	Expired. Provided for return and interment of certain persons buried outside the United States. Expired Dec. 31, 1951, under the provisions of former § 1818, except that the sections remained in force as to any application under former §§ 1813 and 1814 filed prior to Dec. 31, 1951. Any existing rights are preserved by technical § 8 of this bill.
50A	1822(a)-----	Obsolete. Established Office of Housing Expediter and provided for his appointment, pay, functions, and powers. Office of Housing Expediter was abolished pursuant to Act of July 31, 1951, ch. 275, title II, § 202(d), 65 Stat. 144.
50A	1822a-----	Obsolete. Authorized employees of Office of Housing Expediter to administer oaths, etc. Office of Housing Expediter abolished pursuant to Act of July 31, 1951, ch. 275, title II, § 202(d), 65 Stat. 144.
50A	1935-----	Expired. Provided partial exemption from Administrative Procedure Act. See note for Act of Mar. 31, 1948, ch. 166, § 16, 62 Stat. 108.
50A	1941a(a)-----	Obsolete. Established the Rubber Producing Facilities Disposal Commission and provided for appointment and pay of the commissioners. See note for Act of Aug. 7, 1953, ch. 338, § 3(a), 67 Stat. 408.
50A	1941d(a)-----	Obsolete. Authorized appointment and pay of staff of the Rubber Producing Facilities Disposal Commission. See note for Act of Aug. 7, 1953, ch. 338, § 6(a), 67 Stat. 409.
50A	2103-----	Expired. Authorized President to establish an agency to administer price controls and established Wage Stabilization Board. See notes for Acts of Sept. 8, 1950, ch. 932, title IV, § 403, 64 Stat. 807; and June 30, 1952, ch. 530, title I, § 112, 66 Stat. 300.
50A	2163a-----	Expired. Established Small Defense Plants Corporation; provided for appointment and pay of officers and other personnel, and for its powers and duties. See note for Act of July 31, 1951, ch. 275, § 110(a), 65 Stat. 139.

TABLE III—LAWS OMITTED AND NOT REPEALED

This table shows the laws which have been omitted from this revision as not permanent and general; and where they were codified in Title 5 of the United States Code, 1964 ed.

TABLE III-a.—*Statutes at Large*

Date	Chapter	Section	Statutes at Large		Title 5, U.S.C., 1964 ed. (section)
			Volume	Page	
1904 Apr. 15	J.R. 23.....	1.....	33	588	116
1922 Mar. 27	116.....	(less 1st par.).....	42	470	658
1939 June 7	193.....	1.....	53	813	133s
Do.....	193.....	2.....	53	813	133t
1940 June 4	231.....	2.....	54	230	133w
Nov. 26	919.....	1.....	54	1211	631a
Do.....	919.....	2(a).....	54	1212	631b
1944 May 23	202.....	2.....	58	225	791b
May 29	214.....		58	257	
1945 Dec. 28	603.....		59	666	631b
1946 Aug. 7	774.....		60	873	
1948 June 19	527.....		62	497	
1949 June 20	226.....		63	203	133z-133z-15
Oct. 14	691.....	402.....	63	869	
Oct. 29	787.....	603.....	63	1017	171s-1
1950 Aug. 25	784.....	1 ("Sec. 9(b) (last proviso and last sentence)").	64	475	118i
Sept. 6	896.....	603.....	64	752	171s-1
1951 Oct. 18	512.....	603.....	65	444	171s-1
Nov. 1	664.....	1310.....	65	757	43 note
1952 June 5	369.....	1101 (3d proviso under "General Provisions", less last 122 words and less so much as relates to the position of Administrative Assistant Secretary of Commerce).	66	121	245a, 295b, 483-1, 611c
Do.....	369.....	1302.....	66	122	43 note

TABLE III-a.—*Statutes at Large*—Continued

Date	Chapter	Section	Statutes at Large		Title 5, U.S.C., 1964 ed. (section)
			Volume	Page	
1952					
July 10	630	603	66	531	171s-1
July 14	743		66	630	630i
July 15	755		66	634	1076, 1076 note
Do	758	1413 (last proviso)	66	661	75a-1
1953					
Feb. 11	3		67	4	133z-3
July 16	198	1	67	173	645c
Do	198	2	67	173	645d
Do	198	3	67	174	645e
Aug. 1	305	603	67	349	171s-1
Aug. 7	340	1312 (last proviso)	67	437	75a-1
Aug. 14	485	1(a) ("Sec. 3 (3d sentence)")	67	581	852
1954					
June 30	432	703	68	349	171s-1
Do	432	715 (2d proviso)	68	352	174c
Do	432	727 (2d par.)	68	355	171z-2
Aug. 17	752	5(c) (as applicable to § 10)	68	739	2094
Do	752	10	68	742	2099
Do	752	11 (as applicable to § 10)	68	742	2100
Do	752	12 (as applicable to § 10)	68	742	2101
Do	752	13 (as applicable to § 10)	68	743	2102
Do	752	14 (as applicable to § 10)	68	743	2103
Aug. 26	935	1309 (last proviso)	68	829	75a-1
Sept. 1	1208	602	68	1115	43 note
1955					
Mar. 25	16		69	14	133z-3
June 29	226	208 (last proviso)	69	197	75a-1
July 7	279	201 (1st proviso under "Salaries and Expenses, Bureau of Prisons")	69	273	341h
July 13	358	603	69	314	171s-1
Do	358	615 (2d proviso)	69	317	174c
Do	358	626 (2d par.)	69	319	171z-2
Do	358	635	69	321	174f
Aug. 5	572	2, 4, 6, 7	69	533, 534	
Aug. 11	794	1(a) ("(c) (as applicable to § 10)")	69	676	2094
Do	794	4	69	678	2099
1956					
June 13	385	208 (last proviso)	70	281	75a-1
June 20	414	201 (proviso under "Salaries and Expenses, Bureau of Prisons")	70	307	341h
July 2	488	602	70	467	171s-1
Do	488	612 (2d proviso)	70	469	174c
Do	488	622 (2d par.)	70	471	171z-2
Do	488	630	70	472	174f
July 24	673		70	607	
July 31	804	402	70	760	2252 note
Aug. 1	837	510(c)(2)	70	883	2091 note

TABLE III-a.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		Title 5, U.S.C., 1964 ed. (section)
			Volume	Page	
1967					
June 5	85-48	208 (last proviso)	71	54	75a-1
June 11	85-49	201 (proviso under "Salaries and Expenses, Bureau of Prisons").	71	62	341h
Aug. 2	85-117	602	71	323	171s-1
Do.	85-117	612 (2d proviso)	71	325	174h
Do.	85-117	622 (2d par.)	71	327	171z-2
Do.	85-117	629	71	328	174f
Sept. 4	85-286	1	71	611	133z-7
Do.	85-286	2	71	611	133z-7
1968					
Apr. 11	85-377	1 (as applicable to § 10)	72	87	2094
Do.	85-377	2	72	87	2099
June 20	85-462	9	72	213	1113 note
June 25	85-465		72	218	2259 note
Do.	85-468	208 (last proviso)	72	225	75a-1
June 30	85-474	201 (proviso under "Salaries and Expenses, Bureau of Prisons")	72	252	341h
July 7	85-507	2(1)-(3)	72	327	2301
July 25	85-550	13	72	410	2252 note
Aug. 22	85-724	602	72	723	171s-1
Do.	85-724	611 (2d proviso)	72	725	174c
Do.	85-724	621 (2d par.)	72	727	171z-2
Do.	85-724	628	72	728	174f
Aug. 28	85-852	605	72	1098	174g
Do.	85-852	606	72	1098	174h
Do.	85-852	607	72	1099	174i
Sept. 2	85-857	13(u)	72	1266	2091 note
Do.	85-861	33(e)	72	1567	114a
1969					
July 13	86-84	201 (proviso under "Salaries and Expenses, Bureau of Prisons").	73	189	341h
Aug. 18	86-166	602	73	378	171s-1
Do.	86-166	611 (2d proviso)	73	379	174c
Do.	86-166	619 (2d par.)	73	381	171z-2
Do.	86-166	626	73	382	174f
Sept. 16	86-275	105	73	560	174g
Do.	86-275	106	73	560	174h
Do.	86-275	107	73	560	174i
1960					
July 7	86-601	502	74	349	171s-1
Do.	86-601	511 (2d proviso)	74	351	174c
Do.	86-601	519 (2d par.)	74	353	171z-2
Do.	86-601	525	74	354	174f
Do.	86-604	3	74	359	2259 note
July 12	86-630	105	74	465	174g
Do.	86-630	106	74	465	174h
Do.	86-630	107	74	465	174i
Aug. 31	86-678	201 (proviso under "Salaries and Expenses, Bureau of Prisons").	74	563	341h
Sept. 6	86-707	101	74	792	3031

TABLE III-a.—Statutes at Large—Continued

Date	Public Law	Section	Statutes at Large		Title 5, U.S.C., 1964 ed. (section)
			Volume	Page	
1960					
Sept. 8	86-724		74	849	3051-3060
Do.	86-734	5	74	868	2259 note
Sept. 14	86-782		74	1021	1076, 1076 note
1961					
Apr. 7	87-18		75	41	133z-3
July 31	87-114		75	241	2259 note
Aug. 14	87-141	101 (proviso under "Payment to Civil Service Retirement and Disability Fund").	75	345	2259 note
Aug. 17	87-144	602	75	375	171s-1
Do.	87-144	611 (2d proviso)	75	377	174c
Do.	87-144	619 (2d par.)	75	378	171z-2
Do.	87-144	626	75	380	174i
Sept. 21	87-264	201 (proviso under "Salaries and Expenses, Bureau of Prisons").	75	553	341h
Sept. 26	87-299	2	75	648	2281 note
Do.	87-302	105	75	660	174g
Do.	87-302	106	75	660	174h
Do.	87-302	107	75	660	174i
Oct. 4	87-350	1(b)	75	770	2267 note
Do.	87-367	101	75	785	1105b
1962					
Aug. 9	87-577	502	76	327	171s-1
Do.	87-577	511 (2d proviso)	76	329	174c
Do.	87-577	519 (2d par.)	76	331	171z-2
Do.	87-577	526	76	332	174f
Sept. 25	87-684	105	76	578	174g
Do.	87-684	106	76	578	174h
Do.	87-684	107	76	579	174i
Oct. 11	87-793	717(b)	76	868	43 note
Do.	87-793	1007	76	868	1113 note
Do.	87-793	1101	76	868	2259 note
Oct. 18	87-843	201 (proviso under "Salaries and Expenses, Bureau of Prisons").	76	1088	341h
Do.	87-845	2	76A	697	2252 note
1963					
Oct. 17	88-149	502	77	263	171s-1
Do.	88-149	511 (2d proviso)	77	265	174c
Do.	88-149	519 (2d par.)	77	267	171z-2
Dec. 21	88-220	105	77	465	174g
Do.	88-220	106	77	465	174i
Dec. 30	88-245	201 (proviso under "Salaries and Expenses, Bureau of Prisons").	77	783	341h
1964					
July 2	88-351		78	240	133z-3
Aug. 14	88-426	303(b)(15) (less proviso)	78	416	2211
Do.	88-426	303(c)(39) (less proviso), (46) (less proviso).	78	417	2211
Aug. 19	88-446	502	78	474	171s-1
Do.	88-446	511 (2d proviso)	78	476	174c
Do.	88-446	519 (2d par.)	78	478	171z-2
Do.	88-448	1	78	484	3101 note

TABLE III-a.—*Statutes at Large*—Continued

Date	Public Law	Section	Statutes at Large		Title 5, U.S.C., 1964 ed. (section)
			Volume	Page	
1964					
Aug. 19	88-448.....	101 (less applicability to §§ 201 (a)-(e), 202, 203, 204, 301 (a)-(d), (f)).	78	448	3101
Do.....	88-448.....	201 (f)-(h).....	78	485, 486	3102
Do.....	88-448.....	205.....	78	488	3104
Do.....	88-448.....	301 (e).....	78	489	3105
Aug. 30	88-499.....	2 (less (e)).....	78	615	1045
Aug. 31	88-527.....	201 (proviso under "Salaries and Expenses, Bureau of Prisons").	78	719	341h
Sept. 2	88-576.....	105.....	78	889	174g
Do.....	88-576.....	106.....	78	889	174i
1965					
May 1	89-17.....		79	109	2259 note
June 18	89-43.....		79	135	133z-3
June 24	89-45.....		79	170	3053, 3055, 3057

TABLE III-b.—*United States Code*

United States Code 1964 edition		United States Code 1964 edition		United States Code 1964 edition	
Title	Section	Title	Section	Title	Section
5	75a-1.	5	174i.	5	2100 (as applicable to 5 U.S.C. 2099).
5	114a.	5	245a (less applicability to the Classification Act of 1949).	5	2101 (as applicable to 5 U.S.C. 2099).
5	116.				
5	118i(b) (last proviso and last sentence).	5	295b (less applicability to the Classification Act of 1949).	5	2102 (as applicable to 5 U.S.C. 2099).
5	133s.			5	2103 (as applicable to 5 U.S.C. 2099).
5	133t.	5	341h.		
5	133w.	5	483-1 (less applicability to the Classification Act of 1949).	5	2211(b)(15) (less proviso), (c)(39) (less proviso), (46) (less proviso).
5	133z.				
5	133z-1.	5	611c (less applicability to the Classification Act of 1949).	5	2301(1)-(3).
5	133z-2.			5	3031.
5	133z-3.	5	630i.	5	3051.
5	133z-4.	5	631a.	5	3052.
5	133z-5.	5	631b(a).	5	3053.
5	133z-6.	5	645c.	5	3054.
5	133z-7.	5	645d.	5	3055.
5	133z-8.	5	645e.	5	3056.
5	133z-9.	5	658.	5	3057.
5	133z-10.	5	791b.	5	3058.
5	133z-11.			5	3059.
5	133z-12.	5	852 (less 1st 2 sentences).	5	3060.
5	133z-13.	5	1045 (less (e)).	5	3101 (less applicability to 5 U.S.C. 861, 2062(a), 3102 (a)-(e), 3103, 3105 (a)-(d), (f)).
5	133z-14.	5	1076.		
5	133z-15.	5	1105b.	5	3102 (f)-(h).
5	171s-1.	5	2094(c) (as applicable to 5 U.S.C. 2099).	5	3104.
5	171z-2.	5	2099.	5	3105(e).
5	174c.				
5	174f.				
5	174g.				
5	174h.				

TABLE IV—STATUTES TRANSFERRED

This table shows the sections of title 5, United States Code, 1964 edition, recommended for transfer to other titles.

1964 edition		Transferred to—		1964 edition		Transferred to—	
Title	Section	Title	Section	Title	Section	Title	Section
5	44.....	31		5	154.....	22	
5	46c.....	31		5	155.....	22	
5	60.....	2	162	5	156.....	22	
5	65.....	2	162	5	158.....	22	
5	67.....	7		5	161.....	22	
5	68.....	8		5	165.....	22	
5	73b-4.....	41		5	169.....	22	
5	76a.....	20		5	170.....	22	
5	78.....	31		5	170a.....	22	
5	78a.....	31		5	170b.....	22	
5	78a-1.....	31		5	170c.....	22	
5	79.....	31		5	170e.....	22	
5	80.....	31		5	170e-1.....	22	
5	88.....	31		5	170f.....	22	
5	104.....	31		5	170g.....	22	
5	108.....	44		5	170h.....	22	
5	110.....	40		5	170i.....	22	
5	118.....	31		5	170j.....	22	
5	119.....	48		5	170k.....	22	
5	120.....	48		5	170l.....	22	
5	121.....	48		5	170m.....	22	
5	122.....	48		5	170n.....	22	
5	123.....	48		5	170o.....	22	
5	134.....	40		5	170p.....	22	
5	134a.....	40		5	170q.....	22	
5	134b.....	40		5	170t.....	22	
5	134b-1.....	40		5	170u.....	22	
5	134b-2.....	40		5	171-1.....	50	
5	134c.....	40		5	171-2.....	50	
5	134d.....	40		5	171m.....	50	
5	134e.....	40		5	171n (a) (as applicable to §§ 401-403, 404, 405 of title 50), (b).	50	
5	134f.....	40					
5	134g.....	40					
5	134h.....	40		5	172j.....	50	
5	139.....	44		5	174.....	31	
5	139a.....	44		5	181-1 (b).....	50	
5	139b.....	44		5	224.....	22	
5	139c.....	44		5	225.....	22	
5	139d.....	44		5	226.....	22	
5	139e.....	44		5	227.....	22	
5	139f.....	44		5	228.....	22	
5	140.....	31		5	241.....	31	
5	140a.....	31		5	242.....	31	
5	151.....	22		5	243.....	31	
5	151a.....	22		5	244.....	31	
5	151b.....	22		5	245.....	31	
5	151c.....	22		5	246.....	31	
5	152a.....	22		5	247.....	31	
5	152b.....	22		5	248.....	31	
5	153a.....	22		5	248a.....	31	

1964 edition		Transferred to—		1964 edition		Transferred to—	
Title	Section	Title	Section	Title	Section	Title	Section
5 248c.....		31		5 485.....		43	
5 248d.....		31		5 486.....		43	
5 248e.....		31		5 487.....		43	
5 249b.....		31		5 488.....		43	
5 250.....		31		5 489.....		43	
5 252.....		31		5 491.....		43	
5 253.....		31		5 492.....		43	
5 254.....		31		5 493.....		43	
5 255.....		31		5 495.....		43	
5 256.....		31		5 498.....		43	
5 257.....		31		5 501.....		43	
5 258.....		31		5 502.....		43	
5 258a.....		31		5 503.....		43	
5 259.....		31		5 511.....		7	
5 260.....		31		5 512.....		7	
5 261.....		31		5 513.....		7	
5 262.....		31		5 514.....		7	
5 263.....		31		5 514a.....		7	
5 264.....		31		5 514b.....		7	
5 265.....		31		5 515.....		7	
5 270.....		31		5 516.....		7	
5 271.....		31		5 516a.....		7	450c
5 277.....		31		5 516b (less 3d sentence).....		7	450d
5 281.....		19		5 516c.....		7	450e
5 281a.....		19		5 516d.....		7	450f
5 281b.....		19		5 516e.....		7	450g
5 281c.....		21		5 517.....		7	
5 281f.....		19		5 517b.....		7	
5 281g.....		19		5 518.....		7	
5 282.....		21		5 518a.....		7	
5 282a.....		21		5 519.....		7	
5 282b.....		21		5 520.....		7	
5 282c.....		21		5 520a.....		7	
5 297 (as applicable to the solicitor for the De- partment of Labor).....		29		5 521.....		7	
5 300b.....		31	224b	5 522.....		7	
5 305 (1st sentence, less applicability to the Attorney General).....		44		5 528.....		7	
5 325.....		31		5 530.....		7	
5 341d.....		8		5 531.....		7	
5 342.....		8		5 532.....		7	
5 342a.....		8		5 533.....		7	
5 342b.....		8		5 538.....		7	
5 342b-1.....		8		5 541c.....		7	
5 342c.....		8	1353a	5 541d.....		7	
5 342d.....		8	1353b	5 541e.....		7	
5 342e.....		8		5 542.....		7	
5 342g.....		8		5 542-1.....		7	
5 342h.....		8		5 542-2.....		7	
5 342i.....		8		5 542a.....		7	
5 342j.....		8		5 542b.....		7	
5 342k.....		8		5 542c.....		7	
5 342l.....		8		5 543.....		7	
5 481.....		43		5 543a.....		7	
5 481a.....		43		5 543b.....		7	
5 482.....		43		5 549.....		7	
5 483.....		43		5 551.....		7	
5 483a.....		43		5 552.....		7	
5 484.....		43		5 552a.....		7	
				5 553.....		7	
				5 554.....		7	
				5 555.....		7	
				5 556b.....		7	

1964 edition		Transferred to—		1964 edition		Transferred to—	
Title	Section	Title	Section	Title	Section	Title	Section
5 557	-----	7	450b	5 623c	-----	42	
5 557a	-----	7		5 623d	-----	42	
5 558	-----	7		5 623e	-----	42	
5 563	-----	7		5 623f	-----	42	
5 564	-----	7		5 623g	-----	42	
5 564a	-----	7		5 630	-----	40	
5 565a	-----	7		5 630a	-----	40	
5 566	-----	7		5 630b	-----	40	
5 567	-----	7		5 630d	-----	40	
5 568a	-----	7		5 630e	-----	40	
5 569	-----	7		5 630g	-----	40	
5 570	-----	7		5 630g-1	-----	40	
5 571	-----	7		5 630h	-----	40	
5 572	-----	7		5 901(c) (as applicable to		2	60e-2(a)
5 573	-----	7		the legislative branch).			
5 574	-----	7		5 902 (clause (1) and last		2	60e-2(b)
5 574a	-----	7		sentence of (a)).			
5 575	-----	7		5 931	-----	2	60e-3
5 576	-----	7		5 932	-----	2	60e-4
5 577	-----	7		5 932a	-----	2	60e-5
5 591	-----	15		5 932b	-----	2	60e-6
5 591a	-----	15		5 932c (less (d))	-----	2	60e-7
5 591b	-----	15		5 932d (less (d) and (e))	-----	2	60e-8
5 592	-----	15		5 932e (less (f))	-----	2	60e-9
5 592a	-----	15		5 932f (less (e) and (g))	-----	2	60e-10
5 592a-3	-----	15		5 932g (less (d))	-----	2	60e-11
5 592a-4	-----	15		5 933 (less applicability to		2	
5 592b	-----	15		5 U.S.C. 673c).			
5 593a	-----	15		5 933a	-----	31	
5 594	-----	15		5 955	-----	2	
5 596	-----	15		5 1084(a)	-----	2	
5 596a	-----	15		5 2171	-----	50	
5 597	-----	15		5 2172	-----	50	
5 598	-----	15		5 2173	-----	50	
5 599	-----	15		5 2181	-----	50	
5 601	-----	15		5 2182	-----	50	
5 602	-----	15		5 2183	-----	50	
5 603	-----	15		5 2184	-----	50	
5 604	-----	15		5 2185	-----	50	
5 606	-----	15		5 2191	-----	50	
5 607	-----	15		5 2192	-----	50	
5 608a	-----	15		5 2193	-----	50	
5 608b	-----	15		5 2194	-----	50	
5 608c	-----	15		5 2195	-----	50	
5 611	-----	29		5 2196	-----	50	
5 611a	-----	29		5 2351	-----	20	901
5 611b	-----	29		5 2352	-----	20	902
5 613a	-----	29		5 2353	-----	20	903
5 613b	-----	29		5 2354	-----	20	904
5 615	-----	29		5 2355	-----	20	905
5 616	-----	29		5 2356	-----	20	906
5 617	-----	29		5 2358(b)	-----	20	907
5 618	-----	29		5 2371	-----	50	
5 620	-----	29		5 2372	-----	50	
5 621	-----	29		5 2373	-----	50	
5 622	-----	29		5 2374	-----	50	
5 622a	-----	29		5 2375	-----	50	
5 623	-----	42		5 2376	-----	50	
5 623a	-----	42		5 2377	-----	50	
5 623b	-----	42		5 2378	-----	50	

H. R. 10104

[Report No. 901]

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 1965

Mr. CELLER introduced the following bill; which was referred to the Committee on the Judiciary

AUGUST 31, 1965

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To enact title 5, United States Code, "Government Organization and Employees", codifying the general and permanent laws relating to the organization of the Government of the United States and to its civilian officers and employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the laws relating to the organization of the Government of the United States and to its civilian officers and employees, generally, are revised, codified, and enacted as title 5 of the United States Code, entitled "Government Organization and Employees", and may be cited as "5 U.S.C., § ", as follows:

**TITLE 5—GOVERNMENT ORGANIZATION
AND EMPLOYEES**

PART	Sec.
I. THE AGENCIES GENERALLY.....	101
II. THE UNITED STATES CIVIL SERVICE COMMISSION.....	1101
III. EMPLOYEES	2101

PART I—THE AGENCIES GENERALLY

CHAPTER	Sec.
1. ORGANIZATION	101
3. POWERS.....	301
5. ADMINISTRATIVE PROCEDURE.....	501
7. JUDICIAL REVIEW.....	701

CHAPTER 1—ORGANIZATION

Sec.
101. Executive departments.
102. Military departments.
103. Government corporation.
104. Independent establishment.
105. Executive agency.

1 **§ 101. Executive departments**

2 The Executive departments are:

3 The Department of State.

4 The Department of the Treasury.

5 The Department of Defense.

6 The Department of Justice.

7 The Post Office Department.

8 The Department of the Interior.

9 The Department of Agriculture.

10 The Department of Commerce.

11 The Department of Labor.

12 The Department of Health, Education, and Welfare.

13 **§ 102. Military departments**

14 The military departments are:

15 The Department of the Army.

16 The Department of the Navy.

17 The Department of the Air Force.

18 **§ 103. Government corporation**

19 For the purpose of this title—

20 (1) “Government corporation” means a corporation owned or
21 controlled by the Government of the United States; and

22 (2) “Government controlled corporation” does not include a
23 corporation owned by the Government of the United States.

24 **§ 104. Independent establishment**

25 For the purpose of this title, “independent establishment” means—

26 (1) an establishment in the executive branch which is not an
27 Executive department, military department, Government cor-
28 poration, or part thereof, or part of an independent establish-
29 ment; and

30 (2) the General Accounting Office.

31 **§ 105. Executive agency**

32 For the purpose of this title, “Executive agency” means an Execu-
33 tive department, a Government corporation, and an independent
34 establishment.

35

CHAPTER 3—POWERS

Sec.

301. Departmental regulations.

302. Delegation of authority.

303. Oaths to witnesses.

304. Subpenas.

305. Systematic agency review of operations.

1 **§ 301. Departmental regulations**

2 The head of an Executive department or military department may
3 prescribe regulations for the government of his department, the con-
4 duct of its employees, the distribution and performance of its business,
5 and the custody, use, and preservation of its records, papers, and
6 property. This section does not authorize withholding information
7 from the public or limiting the availability of records to the public.

8 **§ 302. Delegation of authority**

9 (a) For the purpose of this section, "agency" has the meaning given
10 it by section 5721 of this title.

11 (b) In addition to the authority to delegate conferred by other law,
12 the head of an agency may delegate to subordinate officials the
13 authority vested in him—

14 (1) by law to take final action on matters pertaining to the
15 employment, direction, and general administration of personnel
16 under his agency; and

17 (2) by section 324 of title 44 to authorize the publication of
18 advertisements, notices, or proposals.

19 **§ 303. Oaths to witnesses**

20 An employee of an Executive department lawfully assigned to
21 investigate frauds on or attempts to defraud the United States, or
22 irregularity or misconduct of an employee or agent of the United
23 States, may administer an oath to a witness attending to testify or
24 depose in the course of the investigation.

25 **§ 304. Subpenas**

26 (a) The head of an Executive department or military department
27 or bureau thereof in which a claim against the United States is pend-
28 ing may apply to a judge or clerk of a court of the United States to
29 issue a subpoena for a witness within the jurisdiction of the court
30 to appear at a time and place stated in the subpoena before an individ-
31 ual authorized to take depositions to be used in the courts of the United
32 States, to give full and true answers to such written interrogatories
33 and cross-interrogatories as may be submitted with the application, or
34 to be orally examined and cross-examined on the subject of the claim.

35 (b) If a witness, after being served with a subpoena, neglects or
36 refuses to appear, or, appearing, refuses to testify, the judge of the
37 district in which the subpoena issued may proceed, on proper process,
38 to enforce obedience to the subpoena, or to punish for disobedience, in

1 the same manner as a court of the United States may in case of process
2 of subpena ad testificandum issued by the court.

3 **§ 305. Systematic agency review of operations**

4 (a) For the purpose of this section, "agency" means an Executive
5 agency, but does not include—

- 6 (1) a Government controlled corporation;
- 7 (2) the Tennessee Valley Authority;
- 8 (3) The Alaska Railroad;
- 9 (4) the Virgin Islands Corporation;
- 10 (5) the Atomic Energy Commission;
- 11 (6) the Central Intelligence Agency;
- 12 (7) the Panama Canal Company; or
- 13 (8) the National Security Agency, Department of Defense.

14 (b) Under regulations prescribed and administered by the Director
15 of the Bureau of the Budget, each agency shall review systematically
16 the operations of each of its activities, functions, or organization
17 units, on a continuing basis.

18 (c) The purpose of the reviews includes—

- 19 (1) determining the degree of efficiency and economy in the
20 operation of the agency's activities, functions, or organization
21 units;
- 22 (2) identifying the units that are outstanding in those respects;
- 23 and
- 24 (3) identifying the employees whose personal efforts have
25 caused their units to be outstanding in efficiency and economy of
26 operations.

27 **CHAPTER 5—ADMINISTRATIVE PROCEDURE**

28 **SUBCHAPTER I—GENERAL PROVISIONS**

Sec.

501. Advertising practice; restrictions.

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29 **SUBCHAPTER II—ADMINISTRATIVE PROCEDURE**

Sec.

551. Definitions.

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557. Initial decisions; conclusiveness; review by agency; submissions by parties; contents of decisions; record.

558. Imposition of sanctions; determination of applications for licenses; suspension, revocation, and expiration of licenses.

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1 SUBCHAPTER III—ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Sec.

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572. Definitions.

573. Administrative Conference of the United States.

574. Powers and duties of the Conference.

575. Organization of the Conference.

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2 SUBCHAPTER I—GENERAL PROVISIONS

3 § 501. Advertising practice; restrictions

4 An individual, firm, or corporation practicing before an agency of
5 the United States may not use the name of a Member of either House
6 of Congress or of an individual in the service of the United States in
7 advertising the business.

8 § 502. Administrative practice; Reserves and National Guards- 9 men

10 Membership in a reserve component of the armed forces or in the
11 National Guard does not prevent an individual from practicing his
12 civilian profession or occupation before, or in connection with, an
13 agency of the United States.

14 § 503. Witness fees and allowances

15 (a) For the purpose of this section, "agency" has the meaning given
16 it by section 5721 of this title.

17 (b) A witness is entitled to the fees and allowances allowed by
18 statute for witnesses in the courts of the United States when—

19 (1) he is subpoenaed under section 304(a) of this title; or

20 (2) he is subpoenaed to and appears at a hearing before an
21 agency authorized by law to hold hearings and subpoena witnesses
22 to attend the hearings.

23 SUBCHAPTER II—ADMINISTRATIVE PROCEDURE

24 § 551. Definitions

25 For the purpose of this subchapter—

26 (1) "agency" means each authority of the Government of the
27 United States, whether or not it is within or subject to review
28 by another agency, but does not include—

29 (A) the Congress;

30 (B) the courts of the United States;

31 (C) the governments of the territories or possessions of
32 the United States;

33 (D) the government of the District of Columbia;

34 or except as to the requirements of section 552 of this title—

1 (E) agencies composed of representatives of the parties or
2 of representatives of organizations of the parties to the dis-
3 putes determined by them;

4 (F) courts martial and military commissions;

5 (G) military authority exercised in the field in time of
6 war or in occupied territory; or

7 (H) functions conferred by sections 1738, 1739, 1743,
8 and 1744 of title 12; chapter 2 of title 41; or sections 1622,
9 1641(b)(2), 1884, and 1891-1902 of title 50, appendix;

10 (2) "person" includes an individual, partnership, corporation,
11 association, or public or private organization other than an
12 agency;

13 (3) "party" includes a person or agency named or admitted as a
14 party, or properly seeking and entitled as of right to be admitted
15 as a party, in an agency proceeding, and a person or agency ad-
16 mitted by an agency as a party for limited purposes;

17 (4) "rule" means the whole or a part of an agency statement of
18 general or particular applicability and future effect designed to
19 implement, interpret, or prescribe law or policy or describing the
20 organization, procedure, or practice requirements of an agency
21 and includes the approval or prescription for the future of rates,
22 wages, corporate or financial structures or reorganizations thereof,
23 prices, facilities, appliances, services or allowances therefor or of
24 valuations, costs, or accounting, or practices bearing on any of
25 the foregoing;

26 (5) "rule making" means agency process for formulating,
27 amending, or repealing a rule;

28 (6) "order" means the whole or a part of a final disposition,
29 whether affirmative, negative, injunctive, or declaratory in form,
30 of an agency in a matter other than rule making but including
31 licensing;

32 (7) "adjudication" means agency process for the formulation
33 of an order;

34 (8) "license" includes the whole or a part of an agency permit,
35 certificate, approval, registration, charter, membership, statutory
36 exemption or other form of permission;

37 (9) "licensing" includes agency process respecting the grant,
38 renewal, denial, revocation, suspension, annulment, withdrawal,
39 limitation, amendment, modification, or conditioning of a license;

40 (10) "sanction" includes the whole or a part of an agency—

(A) prohibition, requirement, limitation, or other condition affecting the freedom of a person;

(B) withholding of relief;

(C) imposition of penalty or fine;

(D) destruction, taking, seizure, or withholding of property;

(E) assessment of damages, reimbursement, restitution, compensation, costs, charges, or fees;

(F) requirement, revocation, or suspension of a license;

or

(G) taking other compulsory or restrictive action;

(11) "relief" includes the whole or a part of an agency—

(A) grant of money, assistance, license, authority, exemption, exception, privilege, or remedy;

(B) recognition of a claim, right, immunity, privilege, exemption, or exception; or

(C) taking of other action on the application or petition of, and beneficial to, a person;

(12) "agency proceeding" means an agency process as defined by paragraphs (5), (7), and (9) of this section; and

(13) "agency action" includes the whole or a part of an agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act.

§ 552. Publication of information, rules, opinions, orders, and public records

(a) This section applies, according to the provisions thereof, except to the extent that there is involved—

(1) a function of the United States requiring secrecy in the public interest; or

(2) a matter relating solely to the internal management of an agency.

(b) Each agency shall separately state and currently publish in the Federal Register—

(1) descriptions of its central and field organizations, including delegations of final authority by the agency, and the established places at which, and methods whereby, the public may obtain information or make submittals or requests;

(2) statements of the general course and method by which its functions are channeled and determined, including the nature

1 and requirements of the formal or informal procedures available
 2 and forms and instructions as to the scope and contents of all
 3 papers, reports, or examinations; and

4 (3) substantive rules adopted as authorized by law and state-
 5 ments of general policy or interpretations adopted by the agency
 6 for public guidance, except rules addressed to and served on
 7 named persons in accordance with law.

8 A person may not be required to resort to organization or procedure
 9 not so published.

10 (c) Each agency shall publish or, in accordance with published
 11 rule, make available to public inspection all final opinions or orders
 12 in the adjudication of cases (except those required for good cause to
 13 be held confidential and not cited as precedents) and all rules.

14 (d) Except as otherwise required by statute, matters of official
 15 record shall be made available, in accordance with published rule, to
 16 persons properly and directly concerned, except information held
 17 confidential for good cause found.

18 **§ 553. Rule making**

19 (a) This section applies, according to the provisions thereof, except
 20 to the extent that there is involved—

21 (1) a military or foreign affairs function of the United States;
 22 or

23 (2) a matter relating to agency management or personnel or to
 24 public property, loans, grants, benefits, or contracts.

25 (b) General notice of proposed rule making shall be published in
 26 the Federal Register, unless persons subject thereto are named and
 27 either personally served or otherwise have actual notice thereof in
 28 accordance with law. The notice shall include—

29 (1) a statement of the time, place, and nature of public rule
 30 making proceedings;

31 (2) reference to the legal authority under which the rule is
 32 proposed; and

33 (3) either the terms or substance of the proposed rule or a
 34 description of the subjects and issues involved.

35 Except when notice or hearing is required by statute, this subsection
 36 does not apply—

37 (A) to interpretative rules, general statements of policy, or
 38 rules of agency organization, procedure, or practice; or

39 (B) when the agency for good cause finds (and incorporates

the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

(c) After notice required by this section, the agency shall give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation. After consideration of the relevant matter presented, the agency shall incorporate in the rules adopted a concise general statement of their basis and purpose. When rules are required by statute to be made on the record after opportunity for an agency hearing, sections 556 and 557 of this title apply instead of this subsection.

(d) The required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except—

(1) a substantive rule which grants or recognizes an exemption or relieves a restriction;

(2) interpretative rules and statements of policy; or

(3) as otherwise provided by the agency for good cause found and published with the rule.

(e) Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.

§ 554. Adjudications

(a) This section applies, according to the provisions thereof, in every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing, except to the extent that there is involved—

(1) a matter subject to a subsequent trial of the law and the facts de novo in a court;

(2) the selection or tenure of an employee, except a hearing examiner appointed under section 3105 of this title;

(3) proceedings in which decisions rest solely on inspections, tests, or elections;

(4) the conduct of military or foreign affairs functions;

(5) cases in which an agency is acting as an agent for a court; or

(6) the certification of worker representatives.

(b) Persons entitled to notice of an agency hearing shall be timely informed of—

(1) the time, place, and nature of the hearing;

1 (2) the legal authority and jurisdiction under which the hear-
2 ing is to be held; and

3 (3) the matters of fact and law asserted.

4 When private persons are the moving parties, other parties to the
5 proceeding shall give prompt notice of issues controverted in fact or
6 law; and in other instances agencies may by rule require responsive
7 pleading. In fixing the time and place for hearings, due regard shall
8 be had for the convenience and necessity of the parties or their repre-
9 sentatives.

10 (c) The agency shall give all interested parties opportunity for—

11 (1) the submission and consideration of facts, arguments, offers
12 of settlement, or proposals of adjustment when time, the nature
13 of the proceeding, and the public interest permit; and

14 (2) to the extent that the parties are unable so to determine a
15 controversy by consent, hearing and decision on notice and in
16 accordance with sections 556 and 557 of this title.

17 (d) The hearing examiner who presides at the reception of evidence
18 pursuant to section 556 of this title shall make the recommended de-
19 cision or initial decision required by section 557 of this title, unless
20 he becomes unavailable to the agency. Except to the extent required
21 for the disposition of ex parte matters as authorized by law, a hear-
22 ing examiner may not—

23 (1) consult a person or party on a fact in issue, unless on notice
24 and opportunity for all parties to participate; or

25 (2) be responsible to or subject to the supervision or direction
26 of an employee or agent engaged in the performance of investiga-
27 tive or prosecuting functions for an agency.

28 An employee or agent engaged in the performance of investigative
29 or prosecuting functions for an agency in a case may not, in that or a
30 factually related case, participate or advise in the decision, recom-
31 mended decision, or agency review pursuant to section 557 of this title,
32 except as witness or counsel in public proceedings. This subsection
33 does not apply—

34 (A) in determining applications for initial licenses;

35 (B) to proceedings involving the validity or application of
36 rates, facilities, or practices of public utilities or carriers; or

37 (C) to the agency or a member or members of the body compris-
38 ing the agency.

39 (e) The agency, with like effect as in the case of other orders, and

1 in its sound discretion, may issue a declaratory order to terminate a
2 controversy or remove uncertainty.

3 **§ 555. Ancillary matters**

4 (a) This section applies, according to the provisions thereof, except
5 as otherwise provided by this subchapter.

6 (b) A person compelled to appear in person before an agency or
7 representative thereof is entitled to be accompanied, represented, and
8 advised by counsel or, if permitted by the agency, by other qualified
9 representative. A party is entitled to appear in person or by or with
10 counsel or other duly qualified representative in an agency proceeding.
11 So far as the orderly conduct of public business permits, an interested
12 person may appear before an agency or its responsible employees for
13 the presentation, adjustment, or determination of an issue, request, or
14 controversy in a proceeding, whether interlocutory, summary, or
15 otherwise, or in connection with an agency function. With due regard
16 for the convenience and necessity of the parties or their representatives
17 and within a reasonable time, each agency shall proceed to conclude a
18 matter presented to it. This subsection does not grant or deny a
19 person who is not a lawyer the right to appear for or represent others
20 before an agency or in an agency proceeding.

21 (c) Process, requirement of a report, inspection, or other investi-
22 gative act or demand may not be issued, made, or enforced except as
23 authorized by law. A person compelled to submit data or evidence is
24 entitled to retain or, on payment of lawfully prescribed costs, procure
25 a copy or transcript thereof, except that in a nonpublic investigatory
26 proceeding the witness may for good cause be limited to inspection of
27 the official transcript of his testimony.

28 (d) Agency subpoenas authorized by law shall be issued to a party
29 on request and, when required by rules of procedure, on a statement or
30 showing of general relevance and reasonable scope of the evidence
31 sought. On contest, the court shall sustain the subpoena or similar
32 process or demand to the extent that it is found to be in accordance
33 with law. In a proceeding for enforcement, the court shall issue an
34 order requiring the appearance of the witness or the production of the
35 evidence or data within a reasonable time under penalty of punish-
36 ment for contempt in case of contumacious failure to comply.

37 (e) Prompt notice shall be given of the denial in whole or in part of
38 a written application, petition, or other request of an interested person

1 made in connection with any agency proceeding. Except in affirming
 2 a prior denial or when the denial is self-explanatory, the notice shall
 3 be accompanied by a brief statement of the grounds for denial.

4 **§ 556. Hearings; presiding employees; powers and duties; burden**
 5 **of proof; evidence; record as basis of decision**

6 (a) This section applies, according to the provisions thereof, to
 7 hearings required by section 553 or 554 of this title to be conducted in
 8 accordance with this section.

9 (b) There shall preside at the taking of evidence—

10 (1) the agency;

11 (2) one or more members of the body which comprises the
 12 agency; or

13 (3) one or more hearing examiners appointed under section
 14 3105 of this title.

15 This subchapter does not supersede the conduct of specified classes of
 16 proceedings, in whole or in part, by or before boards or other em-
 17 ployees specially provided for by or designated under statute. The
 18 functions of presiding employees and of employees participating in
 19 decisions in accordance with section 557 of this title shall be conducted
 20 in an impartial manner. A presiding or participating employee may at
 21 any time disqualify himself. On the filing in good faith of a timely
 22 and sufficient affidavit of personal bias or other disqualification of a
 23 presiding or participating employee, the agency shall determine the
 24 matter as a part of the record and decision in the case.

25 (c) Subject to published rules of the agency and within its powers,
 26 employees presiding at hearings may—

27 (1) administer oaths and affirmations;

28 (2) issue subpoenas authorized by law;

29 (3) rule on offers of proof and receive relevant evidence;

30 (4) take depositions or have depositions taken when the ends
 31 of justice would be served;

32 (5) regulate the course of the hearing;

33 (6) hold conferences for the settlement or simplification of the
 34 issues by consent of the parties;

35 (7) dispose of procedural requests or similar matters;

36 (8) make or recommend decisions in accordance with section
 37 557 of this title; and

38 (9) take other action authorized by agency rule consistent with
 39 this subchapter.

40 (d) Except as otherwise provided by statute, the proponent of a

rule or order has the burden of proof. Any oral or documentary evidence may be received, but the agency as a matter of policy shall provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. A sanction may not be imposed or rule or order issued except on consideration of the whole record or those parts thereof cited by a party and supported by and in accordance with the reliable, probative, and substantial evidence. A party is entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. In rule making or determining claims for money or benefits or applications for initial licenses an agency may, when a party will not be prejudiced thereby, adopt procedures for the submission of all or part of the evidence in written form.

(e) The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, constitutes the exclusive record for decision in accordance with section 557 of this title and, on payment of lawfully prescribed costs, shall be made available to the parties. When an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.

§ 557. Initial decisions; conclusiveness; review by agency; submissions by parties; contents of decisions; record

(a) This section applies, according to the provisions thereof, when a hearing is required to be conducted in accordance with section 556 of this title.

(b) When the agency did not preside at the reception of the evidence, the presiding employee or, in cases not subject to section 554(d) of this title, an employee qualified to preside at hearings pursuant to section 556 of this title, shall initially decide the case unless the agency requires, either in specific cases or by general rule, the entire record to be certified to it for decision. When the presiding employee makes an initial decision, that decision then becomes the decision of the agency without further proceedings unless there is an appeal to, or review on motion of, the agency within time provided by rule. On appeal from or review of the initial decision, the agency has all the powers which it would have in making the initial decision except as it may limit the issues on notice or by rule. When the agency makes the decision without having presided at the reception of the evidence, the presiding employee or an employee qualified to preside at hearings pursuant to

1 section 556 of this title shall first recommend a decision, except that in
2 rule making or determining applications for initial licenses—

3 (1) instead thereof the agency may issue a tentative decision
4 or one of its responsible employees may recommend a decision; or

5 (2) this procedure may be omitted in a case in which the agency
6 finds on the record that due and timely execution of its functions
7 imperatively and unavoidably so requires.

8 (c) Before a recommended, initial, or tentative decision, or a deci-
9 sion on agency review of the decision of subordinate employees, the
10 parties are entitled to a reasonable opportunity to submit for the con-
11 sideration of the employees participating in the decisions—

12 (1) proposed findings and conclusions; or

13 (2) exceptions to the decisions or recommended decisions of
14 subordinate employees or to tentative agency decisions; and

15 (3) supporting reasons for the exceptions or proposed findings
16 or conclusions.

17 The record shall show the ruling on each finding, conclusion, or excep-
18 tion presented. All decisions, including initial, recommended, and
19 tentative decisions, are a part of the record and shall include a state-
20 ment of—

21 (A) findings and conclusions, and the reasons or basis therefor,
22 on all the material issues of fact, law, or discretion presented on
23 the record; and

24 (B) the appropriate rule, order, sanction, relief, or denial
25 thereof.

26 **§ 558. Imposition of sanctions; determination of applications**
27 **for licenses; suspension, revocation, and expiration of**
28 **licenses**

29 (a) This section applies, according to the provisions thereof, to the
30 exercise of a power or authority.

31 (b) A sanction may not be imposed or a substantive rule or order
32 issued except within jurisdiction delegated to the agency and as
33 authorized by law.

34 (c) When application is made for a license required by law, the
35 agency, with due regard for the rights and privileges of all the inter-
36 ested parties or adversely affected persons and within a reasonable
37 time, shall set and complete proceedings required to be conducted
38 in accordance with sections 556 and 557 of this title or other proceed-
39 ings required by law and shall make its decision. Except in cases of
40 willfulness or those in which public health, interest, or safety requires

otherwise, the withdrawal, suspension, revocation, or annulment of a license is lawful only if, before the institution of agency proceedings therefor, the licensee has been given—

(1) notice by the agency in writing of the facts or conduct which may warrant the action; and

(2) opportunity to demonstrate or achieve compliance with all lawful requirements.

When the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency.

§ 559. Effect on other laws; effect of subsequent statute

This subchapter, chapter 7, and sections 1305, 3105, 3344, 4301(2) (E), 5362, and 7521, and the provisions of section 5335(a) (B) of this title that relate to hearing examiners, do not limit or repeal additional requirements imposed by statute or otherwise recognized by law. Except as otherwise required by law, requirements or privileges relating to evidence or procedure apply equally to agencies and persons. Each agency is granted the authority necessary to comply with the requirements of this subchapter through the issuance of rules or otherwise. Subsequent statute may not be held to supersede or modify this subchapter, chapter 7, sections 1305, 3105, 3344, 4301(2) (E), 5362, or 7521, or the provisions of section 5335(a) (B) of this title that relate to hearing examiners, except to the extent that it does so expressly.

SUBCHAPTER III—ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

§ 571. Purpose

It is the purpose of this subchapter to provide suitable arrangements through which Federal agencies, assisted by outside experts, may cooperatively study mutual problems, exchange information, and develop recommendations for action by proper authorities to the end that private rights may be fully protected and regulatory activities and other Federal responsibilities may be carried out expeditiously in the public interest.

§ 572. Definitions

For the purpose of this subchapter—

(1) “administrative program” includes a Federal function which involves protection of the public interest and the determination of rights, privileges, and obligations of private persons through rule making, adjudication, licensing, or investigation, as

1 those terms are used in subchapter II of this chapter, except that
2 it does not include a military or foreign affairs function of the
3 United States;

4 (2) "administrative agency" means an authority as defined by
5 section 551(1) of this title; and

6 (3) "administrative procedure" means procedure used in carry-
7 ing out an administrative program and is to be broadly construed
8 to include any aspect of agency organization, procedure, or man-
9 agement which may affect the equitable consideration of public
10 and private interests, the fairness of agency decisions, the speed
11 of agency action, and the relationship of operating methods to
12 later judicial review, but does not include the scope of agency re-
13 sponsibility as established by law or matters of substantive policy
14 committed by law to agency discretion.

15 **§ 573. Administrative Conference of the United States**

16 (a) The Administrative Conference of the United States consists of
17 not more than 91 nor less than 75 members appointed as set forth in
18 subsection (b) of this section.

19 (b) The Conference is composed of—

20 (1) a full-time Chairman appointed for a 5-year term by the
21 President, by and with the advice and consent of the Senate. The
22 Chairman is entitled to pay at the highest rate established by
23 statute for the chairman of an independent regulatory board or
24 commission, and may continue to serve until his successor is ap-
25 pointed and has qualified;

26 (2) the chairman of each independent regulatory board or
27 commission or an individual designated by the board or commis-
28 sion;

29 (3) the head of each Executive department or other adminis-
30 trative agency which is designated by the President, or an indi-
31 vidual designated by the head of the department or agency;

32 (4) when authorized by the Council referred to in section 575
33 (b) of this title, one or more appointees from a board, commission,
34 department, or agency referred to in this subsection, designated
35 by the head thereof with, in the case of a board or commission, the
36 approval of the board or commission;

37 (5) individuals appointed by the President to membership on
38 the Council who are not otherwise members of the Conference;
39 and

40 (6) not more than 36 other members appointed by the Chair-

man, with the approval of the Council, for terms of 2 years, except that the number of members appointed by the Chairman may at no time be less than one-third nor more than two-fifths of the total number of members. The Chairman shall select the members in a manner which will provide broad representation of the views of private citizens and utilize diverse experience. The members shall be members of the practicing bar, scholars in the field of administrative law or government, or others specially informed by knowledge and experience with respect to Federal administrative procedure.

(c) Members of the Conference, except the Chairman, are not entitled to pay for service. Members appointed from outside the Federal Government are entitled to travel expenses, including per diem instead of subsistence, as authorized by section 5703 of this title for individuals serving without pay.

§ 574. Powers and duties of the Conference

To carry out the purpose of this subchapter, the Administrative Conference of the United States may—

(1) study the efficiency, adequacy, and fairness of the administrative procedure used by administrative agencies in carrying out administrative programs, and make recommendations to administrative agencies, collectively or individually, and to the President, Congress, or the Judicial Conference of the United States in connection therewith, as it considers appropriate;

(2) arrange for interchange among administrative agencies of information potentially useful in improving administrative procedure; and

(3) collect information and statistics from administrative agencies and publish such reports as it considers useful for evaluating and improving administrative procedure.

§ 575. Organization of the Conference

(a) The membership of the Administrative Conference of the United States meeting in plenary session constitutes the Assembly of the Conference. The Assembly has ultimate authority over all activities of the Conference. Specifically, it has the power to—

(1) adopt such recommendations as it considers appropriate for improving administrative procedure. A member who disagrees with a recommendation adopted by the Assembly is entitled to enter a dissenting opinion and an alternate proposal in the record

1 of the Conference proceedings, and the opinion and proposal so
 2 entered shall accompany the Conference recommendation in a
 3 publication or distribution thereof; and

4 (2) adopt bylaws and regulations not inconsistent with this
 5 subchapter for carrying out the functions of the Conference, in-
 6 cluding the creation of such committees as it considers necessary
 7 for the conduct of studies and the development of recommendations
 8 for consideration by the Assembly.

9 (b) The Conference includes a Council composed of the Chairman
 10 of the Conference, who is Chairman of the Council, and 10 other
 11 members appointed by the President, of whom not more than one-half
 12 shall be employees of Federal regulatory agencies or Executive de-
 13 partments. The President may designate a member of the Council as
 14 Vice Chairman. During the absence or incapacity of the Chairman,
 15 or when that office is vacant, the Vice Chairman shall serve as Chair-
 16 man. The term of each member, except the Chairman, is 3 years.
 17 When the term of a member ends, he may continue to serve until a
 18 successor is appointed. However, the service of any member ends when
 19 a change in his employment status would make him ineligible for
 20 Council membership under the conditions of his original appoint-
 21 ment. The Council has the power to—

22 (1) determine the time and place of plenary sessions of the
 23 Conference and the agenda for the sessions. The Council shall call
 24 at least one plenary session each year;

25 (2) propose bylaws and regulations, including rules of pro-
 26 cedure and committee organization, for adoption by the Assembly;

27 (3) make recommendations to the Conference or its committees
 28 on a subject germane to the purpose of the Conference;

29 (4) receive and consider reports and recommendations of com-
 30 mittees of the Conference and send them to members of the Con-
 31 ference with the views and recommendations of the Council;

32 (5) designate a member of the Council to preside at meetings
 33 of the Council in the absence or incapacity of the Chairman and
 34 Vice Chairman;

35 (6) designate such additional officers of the Conference as it
 36 considers desirable;

37 (7) approve or revise the budgetary proposals of the Chair-
 38 man; and

39 (8) exercise such other powers as may be delegated to it by
 40 the Assembly.

(c) The Chairman is the chief executive of the Conference. In that capacity he has the power to—

(1) make inquiries into matters he considers important for Conference consideration, including matters proposed by individuals inside or outside the Federal Government;

(2) be the official spokesman for the Conference in relations with the the several branches and agencies of the Federal Government and with interested organizations and individuals outside the Government, including responsibility for encouraging Federal agencies to carry out the recommendations of the Conference;

(3) request agency heads to provide information needed by the Conference, which information shall be supplied to the extent permitted by law;

(4) recommend to the Council appropriate subjects for action by the Conference;

(5) appoint, with the approval of the Council, members of committees authorized by the bylaws and regulations of the Conference;

(6) prepare, for approval of the Council, estimates of the budgetary requirements of the Conference;

(7) appoint and fix the pay of employees, define their duties and responsibilities, and direct and supervise their activities;

(8) rent office space in the District of Columbia;

(9) provide necessary services for the Assembly, the Council, and the committees of the Conference;

(10) organize and direct studies ordered by the Assembly or the Council, using from time to time, as appropriate, experts and consultants who may be employed under section 3109 of this title, but at rates for individuals not in excess of \$100 a day;

(11) on request of the head of an agency, furnish assistance and advice on matters of administrative procedure; and

(12) exercise such additional authority as the Council or Assembly delegates to him.

The Chairman shall preside at meetings of the Council and at each plenary session of the Conference, to which he shall make a full report concerning the affairs of the Conference since the last preceding plenary session. The Chairman, on behalf of the Conference, shall transmit to the President and Congress an annual report and such interim reports as he considers desirable.

1 **§ 576. Appropriations**

2 There are authorized to be appropriated sums necessary, not in
3 excess of \$250,000, to carry out the purpose of this subchapter.

4 **CHAPTER 7—JUDICIAL REVIEW**

Sec.

701. Application; definitions.

702. Right of review.

703. Form and venue of proceeding.

704. Actions reviewable.

705. Relief pending review.

706. Scope of review.

5 **§ 701. Application; definitions**

6 (a) This chapter applies, according to the provisions thereof, ex-
7 cept to the extent that—

8 (1) statutes preclude judicial review; or

9 (2) agency action is committed to agency discretion by law..

10 (b) For the purpose of this chapter—

11 (1) “agency” means each authority of the Government of the
12 United States, whether or not it is within or subject to review
13 by another agency, but does not include—

14 (A) the Congress;

15 (B) the courts of the United States;

16 (C) the governments of the territories or possessions of
17 the United States;

18 (D) the government of the District of Columbia;

19 (E) agencies composed of representatives of the parties
20 or of representatives of organizations of the parties to the
21 disputes determined by them;

22 (F) courts martial and military commissions;

23 (G) military authority exercised in the field in time of war
24 or in occupied territory; or

25 (H) functions conferred by sections 1738, 1739, 1743, and
26 1744 of title 12; chapter 2 of title 41; or sections 1622, 1641

27 (b) (2), 1884, and 1891–1902 of title 50, appendix; and

28 (2) “person”, “rule”, “order”, “license”, “sanction”, “relief”,
29 and “agency action” have the meanings given them by section 551
30 of this title.

31 **§ 702. Right of review**

32 A person suffering legal wrong because of agency action, or ad-
33 versely affected or aggrieved by agency action within the meaning of
34 a relevant statute, is entitled to judicial review thereof.

§ 703. Form and venue of proceeding

The form of proceeding for judicial review is the special statutory review proceeding relevant to the subject matter in a court specified by statute or, in the absence or inadequacy thereof, any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus, in a court of competent jurisdiction. Except to the extent that prior, adequate, and exclusive opportunity for judicial review is provided by law, agency action is subject to judicial review in civil or criminal proceedings for judicial enforcement.

§ 704. Actions reviewable

Agency action made reviewable by statute and final agency action for which there is no other adequate remedy in a court are subject to judicial review. A preliminary, procedural, or intermediate agency action or ruling not directly reviewable is subject to review on the review of the final agency action. Except as otherwise expressly required by statute, agency action otherwise final is final for the purposes of this section whether or not there has been presented or determined an application for a declaratory order, for any form of reconsideration, or, unless the agency otherwise requires by rule and provides that the action meanwhile is inoperative, for an appeal to superior agency authority.

§ 705. Relief pending review

When an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review. On such conditions as may be required and to the extent necessary to prevent irreparable injury, the reviewing court, including the court to which a case may be taken on appeal from or on application for certiorari or other writ to a reviewing court, may issue all necessary and appropriate process to postpone the effective date of an agency action or to preserve status or rights pending conclusion of the review proceedings.

§ 706. Scope of review

To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall—

- (1) compel agency action unlawfully withheld or unreasonably delayed; and

(2) hold unlawful and set aside agency action, findings, and conclusions found to be—

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

(D) without observance of procedure required by law;

(E) unsupported by substantial evidence in a case subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or

(F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

PART II—THE UNITED STATES CIVIL SERVICE COMMISSION

CHAPTER	Sec.
11. ORGANIZATION.....	1101
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CHAPTER 11—ORGANIZATION

Sec.

1101. Appointment of Commissioners.

1102. Term of office; filling vacancies; removal.

1103. Chairman; Vice Chairman; Executive Director.

1104. Functions of Chairman.

1105. Boards of examiners.

§ 1101. Appointment of Commissioners

The United States Civil Service Commission is composed of three members appointed by the President, by and with the advice and consent of the Senate, not more than two of whom may be adherents of the same political party and none of whom may hold another office or position in the Government of the United States.

§ 1102. Term of office; filling vacancies; removal

(a) The term of office of each Civil Service Commissioner is 6 years. The term of one Commissioner ends on March 1 of each odd-numbered year.

(b) A Commissioner appointed to fill a vacancy occurring before the end of the term of office of his predecessor, serves for the remainder of that term. The appointment is subject to the requirements of section 1101 of this title.

(c) When the term of office of a Commissioner ends, he may continue to serve until his successor is appointed and has qualified.

(d) The President may remove a Commissioner.

§ 1103. Chairman; Vice Chairman; Executive Director

(a) The President shall from time to time designate one of the Commissioners as the presiding head of the Civil Service Commission with the title of "Chairman, United States Civil Service Commission". The Chairman is the chief executive and administrative officer of the Commission.

(b) The President shall from time to time designate one of the Commissioners as Vice Chairman of the Commission. During the absence or disability of the Chairman, or when the office is vacant, the Vice Chairman shall perform the functions vested in the Chairman by section 1104 of this title.

(c) During the absence or disability of both the Chairman and the Vice Chairman, or when both offices are vacant, the remaining Commissioner shall perform the functions vested in the Chairman by section 1104 of this title.

(d) There is under the Chairman an Executive Director who is appointed in the competitive service by the Chairman. During the absence or disability of all three Commissioners, or when the offices of the three Commissioners are vacant, the Executive Director shall perform the functions vested in the Chairman by section 1104 of this title. However, the Executive Director may not sit as a member or acting member of the Commission.

§ 1104. Functions of Chairman

(a) The following functions are vested in the Chairman, United States Civil Service Commission, and shall be performed by him or, subject to his direction and control, by such employees under his jurisdiction as he designates—

(1) acting with Civil Service Commission boards of examiners, so far as practicable, to secure accuracy, uniformity, and justice in their proceedings;

(2) appointing individuals employed under the Commission, including an employee to have such functions and duties with respect to retirement, life insurance, and health benefits programs as the Commission may prescribe, except that—

(A) employees who are engaged regularly and full time in assisting the Commission in the performance of functions

1 reserved to it by subsection (b) of this section are appointed
2 by the Commission; and

3 (B) the regional directors and the heads of the major
4 administrative units reporting directly to the Chairman or
5 Executive Director are appointed by the Chairman only after
6 consultation with the other Commissioners;

7 (3) directing, and supervising activities of, employees of the
8 Commission, distributing business among employees and organ-
9 izational units of the Commission, and directing the internal
10 management of the affairs of the Commission, except that the func-
11 tions named by this paragraph do not include functions with re-
12 spect to employees whose appointments remain vested in the
13 Commission by paragraph (2) (A) of this subsection;

14 (4) directing the preparation of the budget estimates and the
15 use and expenditure of funds; and

16 (5) executing, administering, and enforcing—

17 (A) the civil service rules and regulations of the President
18 and the Commission and the statutes governing the same;
19 and

20 (B) the other activities of the Commission including re-
21 tirement and classification activities.

22 (b) The functions named by subsection (a) (5) of this section do
23 not include functions of the Commission with respect to—

24 (1) the preparation of rules under section 1301 of this title,
25 and the making of an annual report under section 1308(a) (1)
26 of this title;

27 (2) the prescription of rules, regulations, or similar policy
28 directives;

29 (3) the prevention of pernicious political activities, including
30 functions under chapter 15 and section 1302(d) of this title;

31 (4) the hearing or providing for the hearing of appeals, in-
32 cluding appeals with respect to examination ratings, veterans'
33 preference, racial and religious discrimination, disciplinary action,
34 performance ratings, and dismissals, and the taking of final action
35 on those appeals;

36 (5) the recommendation to the President for transmittal to
37 Congress of such legislative or other measures as will promote an
38 efficient civil service and a systematic application of merit system
39 principles, including measures relating to the selection, promotion,

transfer, performance, pay, conditions of service, tenure, and separation of employees;

(6) the investigation of matters pertaining to the administration of functions of the Commission or Chairman; or

(7) the revision and submission of budget estimates to the Bureau of the Budget.

§ 1105. Boards of examiners

(a) The Civil Service Commission shall, in the District of Columbia, and in one or more places in each State and territory or possession of the United States where examinations are to be held, designate at least three individuals in the service of the United States, residing in the State or territory or possession, to be members of Civil Service Commission boards of examiners. The Commission shall consult the head of the agency in which the individuals are serving before designating them as members of a board of examiners. The Commission may at any time substitute another individual residing in the State or territory or possession for one serving as a member of a board of examiners. The boards of examiners shall be so located as to make it reasonably convenient and inexpensive for applicants to attend before them.

(b) The proceedings of the boards of examiners are open to the Chairman, United States Civil Service Commission.

CHAPTER 13—SPECIAL AUTHORITY

Sec.

1301. Rules.

1302. Regulations.

1303. Investigations; reports.

1304. Loyalty investigations; reports; revolving fund.

1305. Hearing examiners.

1306. Oaths to witnesses.

1307. Minutes.

1308. Annual reports.

§ 1301. Rules

The Civil Service Commission shall aid the President, as he may request, in preparing the rules he prescribes under this title for the administration of the competitive service.

§ 1302. Regulations

(a) The Civil Service Commission, subject to the rules prescribed by the President under this title for the administration of the competitive service, shall prescribe regulations for, control, supervise, and preserve the records of, examinations for the competitive service.

(b) The Commission shall prescribe and enforce regulations for the administration of the provisions of this title, and Executive orders

1 issued in furtherance thereof, that implement the Congressional policy
 2 that preference shall be given to preference eligibles in certification
 3 for appointment, and in appointment, reinstatement, reemployment,
 4 and retention, in the competitive service in Executive agencies, perma-
 5 nent or temporary, and in the government of the District of Columbia.

6 (c) The Commission shall prescribe regulations for the adminis-
 7 tration of the provisions of this title that implement the Congressional
 8 policy that preference shall be given to preference eligibles in certifi-
 9 cation for appointment, and in appointment, reinstatement, reemploy-
 10 ment, and retention, in the excepted service in Executive agencies,
 11 permanent or temporary, and in the government of the District of
 12 Columbia.

13 (d) The Commission may prescribe reasonable procedure and reg-
 14 ulations for the administration of its functions under chapter 15 of
 15 this title.

16 **§ 1303. Investigations; reports**

17 The Civil Service Commission may investigate and report on matters
 18 concerning—

19 (1) the enforcement and effect of the rules prescribed by the
 20 President under this title for the administration of the competi-
 21 tive service and the regulations prescribed by the Commission
 22 under section 1302(a) of this title; and

23 (2) the action of an examiner, a board of examiners, and other
 24 employees concerning the execution of the provisions of this title
 25 that relate to the administration of the competitive service.

26 **§ 1304. Loyalty investigations; reports; revolving fund**

27 (a) The Civil Service Commission shall conduct the investigations
 28 and issue the reports required by the following statutes—

29 (1) sections 272b, 281b(e), 290a, and 1434 of title 22;

30 (2) section 1874(c) of title 42; and

31 (3) section 1203(e) of title 6, District of Columbia Code.

32 (b) When an investigation under subsection (a) of this section
 33 develops data indicating that the loyalty of the individual being
 34 investigated is questionable, the Commission shall refer the matter
 35 to the Federal Bureau of Investigation for a full field investigation,
 36 a report of which shall be furnished to the Commission for its informa-
 37 tion and appropriate action.

38 (c) When the President considers it in the national interest, he may
 39 have the investigations of a group or class, which are required by sub-

section (a) of this section, made by the Federal Bureau of Investigation rather than the Commission.

(d) The investigation and report required by subsection (a) of this section shall be made by the Federal Bureau of Investigation rather than the Commission for those specific positions which the Secretary of State certifies are of a high degree of importance or sensitivity.

(e) A revolving fund of \$4,000,000 is available to the Commission without fiscal year limitation for financing investigations, the costs of which are required or authorized by statute to be borne by appropriations or funds of other agencies. The fund shall be reimbursed from available funds of agencies for investigations made for them at rates estimated by the Commission to be adequate to recover expenses of operation, including provision for accrued annual leave and depreciation of equipment purchased by the fund. Any surplus accruing to the fund in a fiscal year may be applied to restore any impairment of the capital of the fund because of variations between the rates charged for work or services and the amount later determined by the Commission to be the cost of performing the work or service. Any surplus remaining shall be paid into the general fund of the Treasury of the United States as miscellaneous receipts during the following fiscal year.

(f) An agency may use available appropriations to reimburse the Commission or the Federal Bureau of Investigation for the cost of investigations made for them under this section, or to make advances toward their cost. These advances and reimbursements shall be credited directly to the applicable appropriations of the Commission or the Federal Bureau of Investigation.

(g) This section does not affect the responsibility of the Federal Bureau of Investigation to investigate espionage, sabotage, or subversive acts.

§ 1305. Hearing examiners

For the purpose of sections 3105, 3344, 4301(2)(E), 5362, and 7521 and the provisions of section 5335(a)(B) of this title that relate to hearing examiners, the Civil Service Commission may investigate, require reports by agencies, issue reports, including an annual report to Congress, prescribe regulations, appoint advisory committees as necessary, recommend legislation, subpoena witnesses and records, and pay witness fees as established for the courts of the United States.

1 **§ 1306. Oaths to witnesses**

2 Each Civil Service Commissioner, including the Chairman, and
3 authorized representatives of the Commission or Chairman, may
4 administer oaths to witnesses in matters pending before the Com-
5 mission.

6 **§ 1307. Minutes**

7 The Civil Service Commission shall keep minutes of its proceedings.

8 **§ 1308. Annual reports**

9 (a) The Civil Service Commission shall make an annual report to
10 the President for transmittal to Congress. The report shall include—

11 (1) a statement of the Commission's actions in the administra-
12 tion of the competitive service, the rules and regulations and
13 exceptions thereto in force, the reasons for exceptions to the rules,
14 the practical effects of the rules and regulations, and any recom-
15 mendations for the more effectual accomplishment of the purposes
16 of the provisions of this title that relate to the administration of
17 the competitive service;

18 (2) the results of the incentive awards program authorized by
19 chapter 45 of this title with related recommendations;

20 (3) at the end of each fiscal year, the names, addresses, and
21 nature of employment of the individuals on whom the Commis-
22 sion has imposed a penalty for prohibited political activity under
23 section 7325 of this title, with a statement of the facts on which
24 action was taken, and the penalty imposed; and

25 (4) a statement, in the form determined by the Commission
26 with the approval of the President, on the training of employees
27 under chapter 41 of this title, including—

28 (A) a summary of information concerning the operation
29 and results of the training programs and plans of the
30 agencies;

31 (B) a summary of information received by the Commis-
32 sion from the agencies under section 4113(b) of this title; and

33 (C) the recommendations and other matters considered
34 appropriate by the President or the Commission or required
35 by Congress.

36 (b) The Commission shall report annually to the President for
37 transmittal to Congress on the administration of chapter 41 of this
38 title, including the information received by the Commission from the
39 agencies under section 4113(b) (2) and (3) of this title.

(c) The Commission shall publish an annual report on the operation of subchapter III of chapter 83 of this title, including a statement concerning the status of the Civil Service Retirement and Disability Fund on a normal cost plus interest basis.

(d) The Commission shall report annually to Congress on the operation of chapter 87 of this title.

(e) The Commission shall report annually to Congress on the operation of chapter 89 of this title.

CHAPTER 15—POLITICAL ACTIVITY OF CERTAIN STATE AND LOCAL EMPLOYEES

Sec.

1501. Definitions.

1502. Influencing elections; taking part in political campaigns; prohibitions; exceptions.

1503. Nonpartisan political activity permitted.

1504. Investigations; notice of hearing.

1505. Hearings; adjudications; notice of determinations.

1506. Orders; withholding loans or grants; limitations.

1507. Subpenas and depositions.

1508. Judicial review.

§ 1501. Definitions

For the purpose of this chapter—

(1) “State” means a State or territory or possession of the United States;

(2) “State or local agency” means the executive branch of a State, municipality, or other political subdivision of a State, or an agency or department thereof;

(3) “Federal agency” means an Executive agency or other agency of the United States, but does not include a member bank of the Federal Reserve System;

(4) “State or local officer or employee” means an individual employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency, but does not include—

(A) an individual who exercises no functions in connection with that activity; or

(B) an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization; and

(5) the phrase “an active part in political management or in

1 political campaigns” means those acts of political management or
 2 political campaigning which were prohibited on the part of em-
 3 ployees in the competitive service before July 19, 1940, by deter-
 4 minations of the Civil Service Commission under the rules
 5 prescribed by the President.

6 **§ 1502. Influencing elections; taking part in political campaigns;**
 7 **prohibitions; exceptions**

8 (a) A State or local officer or employee may not—

9 (1) use his official authority or influence for the purpose of
 10 interfering with or affecting the result of an election or a nomina-
 11 tion for office;

12 (2) directly or indirectly coerce, attempt to coerce, command,
 13 or advise a State or local officer or employee to pay, lend, or con-
 14 tribute anything of value to a party, committee, organization,
 15 agency, or person for political purposes; or

16 (3) take an active part in political management or in political
 17 campaigns.

18 (b) A State or local officer or employee retains the right to vote as
 19 he chooses and to express his opinions on political subjects and
 20 candidates.

21 (c) Subsection (a) (3) of this section does not apply to—

22 (1) the Governor or Lieutenant Governor of a State or an
 23 individual authorized by law to act as Governor;

24 (2) the mayor of a city;

25 (3) a duly elected head of an executive department of a State
 26 or municipality who is not classified under a State or municipal
 27 merit or civil-service system; or

28 (4) an individual holding elective office.

29 **§ 1503. Nonpartisan political activity permitted**

30 Section 1502(a) (3) of this title does not prohibit political activity
 31 in connection with—

32 (1) an election and the preceding campaign if none of the
 33 candidates is to be nominated or elected at that election as rep-
 34 resenting a party any of whose candidates for presidential elector
 35 received votes in the last preceding election at which presidential
 36 electors were selected; or

37 (2) a question which is not specifically identified with a Na-
 38 tional or State political party.

39 For the purpose of this section, questions relating to constitutional
 40 amendments, referendums, approval of municipal ordinances, and

others of a similar character, are deemed not specifically identified with a National or State political party.

§ 1504. Investigations; notice of hearing

When a Federal agency charged with the duty of making a loan or grant of funds of the United States for use in an activity by a State or local officer or employee has reason to believe that the officer or employee has violated section 1502 of this title, it shall report the matter to the Civil Service Commission. On receipt of the report, or on receipt of other information which seems to the Commission to warrant an investigation, the Commission shall—

(1) fix a time and place for a hearing; and

(2) send, by registered or certified mail, to the officer or employee charged with the violation and to the State or local agency employing him a notice setting forth a summary of the alleged violation and giving the time and place of the hearing.

The hearing may not be held earlier than 10 days after the mailing of the notice.

§ 1505. Hearings; adjudications; notice of determinations

Either the State or local officer or employee or the State or local agency employing him, or both, are entitled to appear with counsel at the hearing under section 1504 of this title, and be heard. After this hearing, the Civil Service Commission shall—

(1) determine whether a violation of section 1502 of this title has occurred;

(2) determine whether the violation warrants the removal of the officer or employee from his office or employment; and

(3) notify the officer or employee and the agency of the determination by registered or certified mail.

§ 1506. Orders; withholding loans or grants; limitations

(a) When the Civil Service Commission finds—

(1) that a State or local officer or employee has not been removed from his office or employment within 30 days after notice of a determination by the Commission that he has violated section 1502 of this title and that the violation warrants removal; or

(2) that the State or local officer or employee has been removed and has been appointed within 18 months after his removal to an office or employment in the same State in a State or local agency which does not receive loans or grants from a Federal agency; the Commission shall make and certify to the appropriate Federal agency an order requiring that agency to withhold from its loans or

1 grants to the State or local agency to which notice was given an
2 amount equal to 2 years' pay at the rate the officer or employee was
3 receiving at the time of the violation. When the State or local agency
4 to which appointment within 18 months after removal has been made
5 is one that receives loans or grants from a Federal agency, the Com-
6 mission order shall direct that the withholding be made from that
7 State or local agency.

8 (b) Notice of the order shall be sent by registered or certified mail
9 to the State or local agency from which the amount is ordered to be
10 withheld. After the order becomes final, the Federal agency to which
11 the order is certified shall withhold the amount in accordance with
12 the terms of the order. Except as provided by section 1508 of this
13 title, a determination or order of the Commission becomes final at the
14 end of 30 days after mailing the notice of the determination or order.

15 (c) The Commission may not require an amount to be withheld
16 from a loan or grant pledged by a State or local agency as security for
17 its bonds or notes if the withholding of that amount would jeopardize
18 the payment of the principal or interest on the bonds or notes.

19 **§ 1507. Subpenas and depositions**

20 (a) The Civil Service Commission may require by subpoena the
21 attendance and testimony of witnesses and the production of docu-
22 mentary evidence relating to any matter before it as a result of this
23 chapter. Any member of the Commission may sign subpoenas, and
24 members of the Commission and its examiners when authorized by
25 the Commission may administer oaths, examine witnesses, and receive
26 evidence. The attendance of witnesses and the production of docu-
27 mentary evidence may be required from any place in the United States
28 at the designated place of hearing. In case of disobedience to a sub-
29 pena, the Commission may invoke the aid of a court of the United
30 States in requiring the attendance and testimony of witnesses and the
31 production of documentary evidence. In case of contumacy or refusal
32 to obey a subpoena issued to a person, the United States District Court
33 within whose jurisdiction the inquiry is carried on may issue an order
34 requiring him to appear before the Commission, or to produce docu-
35 mentary evidence if so ordered, or to give evidence concerning the
36 matter in question; and any failure to obey the order of the court may
37 be punished by the court as a contempt thereof.

38 (b) The Commission may order testimony to be taken by deposi-
39 tion at any stage of a proceeding or investigation before it as a result
40 of this chapter. Depositions may be taken before an individual desig-
41 nated by the Commission and having the power to administer oaths.

1 Testimony shall be reduced to writing by the individual taking the
 2 deposition, or under his direction, and shall be subscribed by the
 3 deponent. Any person may be compelled to appear and depose and
 4 to produce documentary evidence before the Commission as provided
 5 by this section.

6 (c) A person may not be excused from attending and testifying
 7 or from producing documentary evidence or in obedience to a subpoena
 8 on the ground that the testimony or evidence, documentary or other-
 9 wise, required of him may tend to incriminate him or subject him to
 10 a penalty or forfeiture for or on account of any transaction, matter,
 11 or thing concerning which he is compelled to testify, or produce evi-
 12 dence, documentary or otherwise, before the Commission in obedience
 13 to a subpoena issued by it. A person so testifying is not exempt from
 14 prosecution and punishment for perjury committed in so testifying.

15 § 1508. Judicial review

16 A party aggrieved by a determination or order of the Civil Service
 17 Commission under section 1504, 1505, or 1506 of this title may, within
 18 30 days after the mailing of notice of the determination or order,
 19 institute proceedings for review thereof by filing a petition in the
 20 United States District Court for the district in which the State or
 21 local officer or employee resides. The institution of the proceedings
 22 does not operate as a stay of the determination or order unless—

23 (1) the court specifically orders a stay; and

24 (2) the officer or employee is suspended from his office or
 25 ployment while the proceedings are pending.

26 A copy of the petition shall immediately be served on the Commis-
 27 sion and thereupon the Commission shall certify and file in the court
 28 transcript of the record on which the determination or order
 29 made. The court shall review the entire record including questions
 30 of fact and questions of law. If application is made to the court for
 31 leave to adduce additional evidence, and it is shown to the satisfaction
 32 of the court that the additional evidence may materially affect the result
 33 of the proceedings and that there were reasonable grounds for failure
 34 to adduce this evidence in the hearing before the Commission, the
 35 court may direct that the additional evidence be taken before the Com-
 36 mission in the manner and on the terms and conditions fixed by the
 37 court. The Commission may modify its findings of fact or its determi-
 38 nation or order in view of the additional evidence and shall file with
 39 the court the modified findings, determination, or order; and the modi-

1 fied findings of fact, if supported by substantial evidence, are con-
2 clusive. The court shall affirm the determination or order, or the modi-
3 fied determination or order, if the court determines that it is in accord-
4 ance with law. If the court determines that the determination or
5 order, or the modified determination or order, is not in accordance with
6 law, the court shall remand the proceeding to the Commission with
7 directions either to make a determination or order determined by the
8 court to be lawful or to take such further proceedings as, in the opinion
9 of the court, the law requires. The judgment and decree of the court
10 are final, subject to review by the appropriate United States Court of
11 Appeals as in other cases, and the judgment and decree of the court
12 of appeals are final, subject to review by the Supreme Court of the
13 United States on certiorari or certification as provided by section 1254
14 of title 28. If a provision of this section is held to be invalid as applied
15 to a party by a determination or order of the Commission, the deter-
16 mination or order becomes final and effective as to that party as if the
17 provision had not been enacted.

18 **PART III—EMPLOYEES**

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Subpart A—General Provisions

CHAPTER 21—DEFINITIONS

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2102. The competitive service.

2103. The excepted service.

2104. Officer.

2105. Employee.

2106. Member of Congress.

2107. Congressional employee.

2108. Veteran; disabled veteran; preference eligible.

§ 2101. Civil service; armed forces; uniformed services

For the purpose of this title—

(1) the “civil service” consists of all appointive positions in the executive, judicial, and legislative branches of the Government of the United States, except positions in the uniformed services;

(2) “armed forces” mean the Army, Navy, Air Force, Marine Corps, and Coast Guard; and

(3) “uniformed services” means the armed forces, the commissioned corps of the Public Health Service, and the commissioned corps of the Coast and Geodetic Survey.

§ 2102. The competitive service

(a) The “competitive service” consists of—

(1) all civil service positions in the executive branch, except—

(A) positions which are specifically excepted from the competitive service by or under statute; and

(B) positions to which appointments are made by nomination for confirmation by the Senate, unless the Senate otherwise directs;

(2) civil service positions not in the executive branch which are specifically included in the competitive service by statute; and

(3) positions in the government of the District of Columbia which are specifically included in the competitive service by statute.

(b) Notwithstanding subsection (a)(1)(B) of this section, the “competitive service” includes positions to which appointments are

1 made by nomination for confirmation by the Senate when specifically
2 included therein by statute.

3 (c) As used in other Acts of Congress, “classified civil service” or
4 “classified service” means the “competitive service”.

5 **§ 2103. The excepted service**

6 (a) For the purpose of this title, the “excepted service” consists
7 of those civil service positions which are not in the competitive service.

8 (b) As used in other Acts of Congress, “unclassified civil service”
9 or “unclassified service” means the “excepted service”.

10 **§ 2104. Officer**

11 For the purpose of this title, “officer”, except when specifically modi-
12 fied, means a justice or judge of the United States and an individual
13 who is—

14 (1) required by law to be appointed in the civil service by one
15 of the following acting in an official capacity—

16 (A) the President;

17 (B) a court of the United States;

18 (C) the head of an Executive agency; or

19 (D) the Secretary of a military department;

20 (2) engaged in the performance of a Federal function under
21 authority of law or an Executive act; and

22 (3) subject to the supervision of an authority named by para-
23 graph (1) of this section, or the Judicial Conference of the United
24 States, while engaged in the performance of the duties of his
25 office.

26 **§ 2105. Employee**

27 (a) For the purpose of this title, “employee”, except as otherwise
28 provided by this section or when specifically modified, means an officer
29 and an individual who is—

30 (1) appointed in the civil service by one of the following acting
31 in an official capacity—

32 (A) the President;

33 (B) a Member or Members of Congress, or the Congress;

34 (C) a member of a uniformed service; or

35 (D) an individual who is an employee under this section;

36 (2) engaged in the performance of a Federal function under
37 authority of law or an Executive act; and

38 (3) subject to the supervision of an individual named by para-
39 graph (1) of this subsection while engaged in the performance of
40 the duties of his position.

(b) An individual employed at the United States Naval Academy in the midshipmen's laundry, the midshipmen's tailor shop, the midshipmen's cobbler and barber shops, and the midshipmen's store, except an individual employed by the Academy dairy, is deemed an employee.

(c) An employee paid from nonappropriated funds of the Army and Air Force Exchange Service, Army and Air Force Motion Picture Service, Navy Ship's Stores Ashore, Navy exchanges, Marine Corps exchanges, Coast Guard exchanges, and other instrumentalities of the United States under the jurisdiction of the armed forces conducted for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the armed forces is deemed not an employee for the purpose of—

(1) laws administered by the Civil Service Commission; or

(2) subchapter I of chapter 81 and section 7902 of this title.

This subsection does not affect the status of these nonappropriated fund activities as Federal instrumentalities.

(d) A Reserve of the armed forces who is not on active duty or who is on active duty for training is deemed not an employee or an individual holding an office of trust or profit or discharging an official function under or in connection with the United States because of his appointment, oath, or status, or any duties or functions performed or pay or allowances received in that capacity.

§ 2106. Member of Congress

For the purpose of this title, "Member of Congress" means the Vice President, a member of the Senate or the House of Representatives, and the Resident Commissioner from Puerto Rico.

§ 2107. Congressional employee

For the purpose of this title, "Congressional employee" means—

(1) an employee of either House of Congress, of a committee of either House, or of a joint committee of the two Houses;

(2) an elected officer of either House who is not a Member of Congress;

(3) the Legislative Counsel of either House and an employee of his office;

(4) a member of the Capitol Police;

(5) an employee of a Member of Congress if the pay of the employee is paid by the Secretary of the Senate or the Clerk of the House of Representatives;

(6) an Official Reporter of Debates of the Senate, and an indi-

vidual employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties; and (7) the Architect of the Capitol and an employee of the Architect of the Capitol.

§ 2108. Veteran; disabled veteran; preference eligible

For the purpose of this title—

(1) “veteran” means an individual who served on active duty in the armed forces during a war, in a campaign or expedition for which a campaign badge has been authorized, or during the period beginning April 28, 1952, and ending July 1, 1955, and has been separated therefrom under honorable conditions;

(2) “disabled veteran” means an individual who has served on active duty in the armed forces, has been separated therefrom under honorable conditions, and has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the Veterans’ Administration or a military department; and

(3) “preference eligible” means—

(A) a veteran;

(B) a disabled veteran;

(C) the unmarried widow of a veteran;

(D) the wife of a service-connected disabled veteran if the veteran has been unable to qualify for any appointment in the civil service or in the government of the District of Columbia;

(E) the mother of an individual who lost his life under honorable conditions while serving in the armed forces during a period named by paragraph (1) of this section, if—

(i) her husband is totally and permanently disabled;

(ii) she is widowed, divorced, or separated from the father and has not remarried; or

(iii) she has remarried but is widowed, divorced, or legally separated from her husband when preference is claimed; and

(F) the mother of a service-connected permanently and totally disabled veteran, if—

(i) her husband is totally and permanently disabled;

(ii) she is widowed, divorced, or separated from the father and has not remarried; or

(iii) she has remarried but is widowed, divorced, or legally separated from her husband when preference is claimed.

CHAPTER 29—COMMISSIONS, OATHS, RECORDS, AND REPORTS

SUBCHAPTER I—COMMISSIONS, OATHS, AND RECORDS

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2901. Commission of an officer.

2902. Commission; where recorded.

2903. Oath; authority to administer.

2904. Oath; administered without fees.

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2951. Reports to the Civil Service Commission.

2952. Time of making annual reports.

2953. Reports to Congress on additional employee requirements.

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SUBCHAPTER I—COMMISSIONS, OATHS, AND RECORDS

§ 2901. Commission of an officer

The President may make out and deliver, after adjournment of the Senate, the commission of an officer whose appointment has been confirmed by the Senate.

§ 2902. Commission; where recorded

(a) Except as provided by subsections (b) and (c) of this section, the Secretary of State shall make out and record, and affix the seal of the United States to, the commission of an officer appointed by the President. The seal of the United States may not be affixed to the commission before the commission has been signed by the President, without the special warrant of the President therefor.

(b) The commission of an officer in the civil service or uniformed services under the control of the Postmaster General, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of a military department, the Secretary of the Interior, or the Secretary of the Treasury shall be made out and recorded in the department in which he is to serve under the seal of that department. The departmental seal may not be affixed to the commission before the commission has been signed by the President.

(c) The commissions of judicial officers and United States attorneys and marshals, appointed by the President, by and with the advice and consent of the Senate, and other commissions which before August 8, 1888, were prepared at the Department of State on the requisition of the Attorney General, shall be made out and recorded in the Depart-

ment of Justice under the seal of that department and countersigned by the Attorney General. The departmental seal may not be affixed to the commission before the commission has been signed by the President.

§ 2903. Oath; authority to administer

(a) The oath of office required by section 3331 of this title may be administered by an individual authorized by the laws of the United States or local law to administer oaths in the State, District, or territory or possession of the United States where the oath is administered.

(b) An employee of an Executive agency designated in writing by the head of the Executive agency may administer—

(1) the oath of office required by section 3331 of this title, incident to entrance into the executive branch; or

(2) any other oath required by law in connection with employment in the executive branch.

(c) An oath authorized or required under the laws of the United States may be administered by—

(1) the Vice President; or

(2) an individual authorized by local law to administer oaths in the State, District, or territory or possession of the United States where the oath is administered.

§ 2904. Oath; administered without fees

An employee of an Executive agency who is authorized to administer the oath of office required by section 3331 of this title, or any other oath required by law in connection with employment in the executive branch, may not charge or receive a fee or pay for administering the oath.

§ 2905. Oath; renewal

(a) An employee of an Executive agency or an individual employed by the government of the District of Columbia who, on original appointment, subscribed to the oath of office required by section 3331 of this title is not required to renew the oath because of a change in status so long as his service is continuous in the agency in which he is employed, unless, in the opinion of the head of the Executive agency or the Commissioners of the District of Columbia, the public interest so requires.

(b) An individual who, on appointment as an employee of a House of Congress, subscribed to the oath of office required by section 3331 of this title is not required to renew the oath so long as his service as an employee of that House of Congress is continuous.

§ 2906. Oath; custody

The oath of office taken by an individual under section 3331 of this title shall be delivered by him to, and preserved by, the House of Congress, agency, or court to which the office pertains.

SUBCHAPTER II—REPORTS

§ 2951. Reports to the Civil Service Commission

The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that—

(1) the appointing authority notify the Civil Service Commission in writing of the following actions and their dates as to each individual selected for appointment in the competitive service from among those who have been examined—

- (A) appointment and residence of appointee;
- (B) separation during probation;
- (C) transfer;
- (D) resignation; and
- (E) removal; and

(2) the Commission keep records of these actions.

§ 2952. Time of making annual reports

Except when a different time is specifically prescribed by statute, the head of each Executive department or military department shall make the annual reports, required to be submitted to Congress, at the beginning of each regular session of Congress. The reports shall cover the transactions of the preceding year.

§ 2953. Reports to Congress on additional employee requirements

(a) Each report, recommendation, or other communication, of an official nature, of an Executive agency which—

(1) relates to pending or proposed legislation which, if enacted, will entail an estimated annual expenditure of appropriated funds in excess of \$1,000,000;

(2) is submitted or transmitted to Congress or a committee thereof in compliance with law or on the initiative of the appropriate authority of the executive branch; and

(3) officially proposes or recommends the creation or expansion, either by action of Congress or by administrative action, of a function, activity, or authority of the Executive agency to be in addition to those functions, activities, and authorities thereof existing when the report, recommendation, or other communication is so submitted or transmitted;

shall contain a statement, concerning the Executive agency, for each of the first 5 fiscal years during which each additional or expanded

1 function, activity, or authority so proposed or recommended is to be
2 in effect, setting forth the following information—

3 (A) the estimated maximum additional—

4 (i) man-years of civilian employment, by general cate-
5 gories of positions;

6 (ii) expenditures for personal services; and

7 (iii) expenditures for all purposes other than personal
8 services;

9 which are attributable to the function, activity, or authority and
10 which will be required to be effected by the Executive agency in
11 connection with the performance thereof; and

12 (B) such other statement, discussion, explanation, or other in-
13 formation as is considered advisable by the appropriate authority
14 of the executive branch or that is required by Congress or a com-
15 mittee thereof.

16 (b) Subsection (a) of this section does not apply to—

17 (1) the Central Intelligence Agency;

18 (2) a Government controlled corporation; or

19 (3) the General Accounting Office.

20 **§ 2954. Information to committees of Congress on request**

21 An Executive agency, on request of the Committee on Government
22 Operations of the House of Representatives, or of any seven members
23 thereof, or on request of the Committee on Government Operations
24 of the Senate, or any five members thereof, shall submit any informa-
25 tion requested of it relating to any matter within the jurisdiction of
26 the committee.

27 **Subpart B—Employment and Retention**

28 **CHAPTER 31—AUTHORITY FOR EMPLOYMENT**

Sec.

3101. General authority to employ; restrictions on voluntary service and service
in excess of that authorized.

3102. Employment of readers for blind employees.

3103. Employment at seat of Government only for services rendered.

3104. Employment of specially qualified scientific and professional personnel.

3105. Appointment of hearing examiners.

3106. Employment of attorneys; restrictions.

3107. Employment of publicity experts; restrictions.

3108. Employment of detective agencies; restrictions.

3109. Employment of experts and consultants; temporary or intermittent.

29 **§ 3101. General authority to employ; restrictions on voluntary**
30 **service and service in excess of that authorized**

31 (a) Each Executive agency, military department, and the govern-
32 ment of the District of Columbia may employ such number of em-

ployees of the various classes recognized by chapter 51 of this title as Congress may appropriate for from year to year.

(b) An officer of a uniformed service or an employee may not accept voluntary service for the United States or employ personal service in excess of that authorized by statute, except in an emergency involving the safety of human life or the protection of property. In addition to any penalty or liability under other statute, an officer of a uniformed service or an employee who violates this subsection is subject to appropriate administrative discipline, including suspension without pay or removal from the service. This subsection does not prevent the Secretary of the Army or the Secretary of the Air Force from accepting the gratuitous services of officers of the Army Reserve or the Air Force Reserve in the furtherance of the enrollment, organization, and training of the Army Reserve, the Air Force Reserve, or the Reserve Officers' Training Corps or in consultation on matters relating to the military service.

(c) If an officer of a uniformed service, an employee of an Executive agency, or an individual employed by the government of the District of Columbia violates subsection (b) of this section, the head of the Executive agency or military department concerned or the Commissioners of the District of Columbia immediately shall report to the President, through the Director of the Bureau of the Budget, and to Congress all pertinent facts together with a statement of the action taken thereon.

§ 3102. Employment of readers for blind employees

(a) For the purpose of this section—

(1) "agency" means—

(A) an Executive agency;

(B) the Library of Congress; and

(C) the government of the District of Columbia;

(2) "head of each agency" means the Board of Commissioners of the District of Columbia with respect to the government of the District of Columbia;

(3) "blind employee" means an individual employed by an agency who establishes, to the satisfaction of the appropriate authority of the agency concerned and under regulations of the head of that agency, that he has an impairment of sight, either permanent or temporary, which is so severe or disabling that the employment of a reading assistant or assistants for that individual

1 is necessary or desirable to enable him properly to perform his
2 work; and

3 (4) "nonprofit organization" means an organization determined
4 by the Secretary of the Treasury to be an organization described
5 by section 501(c) of title 26 which is exempt from taxation under
6 section 501(a) of title 26.

7 (b) The head of each agency may employ a reading assistant or
8 assistants for a blind employee of his agency, to serve without pay
9 from the agency, without regard to—

10 (1) the provisions of this title governing appointment in the
11 competitive service; and

12 (2) chapter 51 and subchapter III of chapter 53 of this title.

13 A reading assistant so employed may be paid and receive pay for his
14 services as reading assistant by and from the blind employee or a non-
15 profit organization, without regard to section 209 of title 18.

16 (c) This section may not be held or considered to prevent or limit in
17 any way the assignment to a blind employee by an agency of clerical
18 or secretarial assistance, at the expense of the agency and under
19 statutes and regulations currently applicable at the time, if that as-
20 sistance normally is provided, or authorized to be provided, in that
21 manner under currently applicable statutes and regulations.

22 **§ 3103. Employment at seat of Government only for services**
23 **rendered**

24 An individual may be employed in the civil service in an Executive
25 department at the seat of Government only for services actually
26 rendered in connection with and for the purposes of the appropriation
27 from which he is paid. An individual who violates this section shall
28 be removed from the service.

29 **§ 3104. Employment of specially qualified scientific and profes-**
30 **sional personnel**

31 (a) The head of an agency named below may establish scientific
32 or professional positions to carry out the research and development
33 functions of his agency which require the services of specially qualified
34 personnel within the following limits:

35 (1) Department of the Interior—not more than 8.

36 (2) Department of Agriculture—not more than 20.

37 (3) Department of Health, Education, and Welfare—not more
38 than 13.

(4) Department of Commerce—not more than 30, of which at least 5 are for the United States Patent Office in its examining and related activities.

(5) Post Office Department—not more than 3.

(6) United States Arms Control and Disarmament Agency—not more than 14.

(7) Library of Congress—not more than 8.

(b) When a general appropriation statute authorizes an agency named by this section to establish and fix the pay of scientific or professional positions similar to those authorized by this section, the number of positions authorized by this section is reduced by the number of positions authorized by the appropriation statute, unless otherwise specifically provided.

(c) The head of each agency authorized to establish and fix the pay of positions under this section and section 5361 of this title shall submit to Congress, not later than December 31 of each year, a report setting forth—

(1) the number of these positions established in his agency during that calendar year; and

(2) the name, rate of pay, and description of the qualifications of each incumbent, together with a statement of the functions performed by each.

When the head of such an agency considers full public report on these items detrimental to the national security, he may omit the items from his annual report and, instead, present the information in executive session of such committee of a House of Congress as the presiding officer thereof may designate.

§ 3105. Appointment of hearing examiners

Each agency shall appoint as many hearings examiners as are necessary for proceedings required to be conducted in accordance with sections 556 and 557 of this title. Hearing examiners shall be assigned to cases in rotation so far as practicable, and may not perform duties inconsistent with their duties and responsibilities as hearing examiners.

§ 3106. Employment of attorneys; restrictions

Except as otherwise authorized by law, the head of an Executive department or military department may not employ an attorney or

1 counsel for the conduct of litigation in which the United States, an
 2 agency, or employee thereof is a party, or is interested, or for the
 3 securing of evidence therefor, but shall refer the matter to the Depart-
 4 ment of Justice. This section does not apply to the employment and
 5 payment of counsel under section 1037 of title 10.

6 **§ 3107. Employment of publicity experts; restrictions**

7 Appropriated funds may not be used to pay a publicity expert
 8 unless specifically appropriated for that purpose.

9 **§ 3108. Employment of detective agencies; restrictions**

10 An individual employed by the Pinkerton Detective Agency, or
 11 similar organization, may not be employed by the Government of the
 12 United States or the government of the District of Columbia.

13 **§ 3109. Employment of experts and consultants; temporary or**
 14 **intermittent**

15 (a) For the purpose of this section—

16 (1) “agency” has the meaning given it by section 5721 of this
 17 title; and

18 (2) “appropriation” includes funds made available by statute
 19 under section 849 of title 31.

20 (b) When authorized by an appropriation or other statute, the head
 21 of an agency may procure by contract the temporary (not in excess of
 22 1 year) or intermittent services of experts or consultants or an
 23 organization thereof, including stenographic reporting services.
 24 Services procured under this section are without regard to—

25 (1) the provisions of this title governing appointment in the
 26 competitive service;

27 (2) chapter 51 and subchapter III of chapter 53 of this title;
 28 and

29 (3) section 5 of title 41, except in the case of stenographic re-
 30 porting services by an organization.

31 However, an agency subject to chapter 51 and subchapter III of
 32 chapter 53 of this title may pay a rate for services under this section
 33 in excess of the daily equivalent of the highest rate payable under
 34 section 5332 of this title only when specifically authorized by the
 35 appropriation or other statute authorizing the procurement of the
 36 services.

CHAPTER 33—EXAMINATION, SELECTION, AND PLACEMENT

SUBCHAPTER I—EXAMINATION, CERTIFICATION, AND APPOINTMENT

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1 SUBCHAPTER IV—TRANSFERS

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3363. Preference eligibles; promotion; physical qualifications; waiver.

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3 SUBCHAPTER I—EXAMINATION, CERTIFICATION, AND 4 APPOINTMENT

5 § 3301. Civil service; generally

6 The President may—

7 (1) prescribe such regulations for the admission of individuals
8 into the civil service in the executive branch as will best promote
9 the efficiency of that service;

10 (2) ascertain the fitness of applicants as to age, health, char-
11 acter, knowledge, and ability for the employment sought; and

12 (3) appoint and prescribe the duties of individuals to make
13 inquiries for the purpose of this section.

14 § 3302. Competitive service; rules

15 The President may prescribe rules governing the competitive serv-
16 ice. The rules shall provide, as nearly as conditions of good adminis-
17 tration warrant, for—

18 (1) necessary exceptions of positions from the competitive serv-
19 ice; and

20 (2) necessary exceptions from the provisions of sections 2951,
21 3304(a), 3306(a)(1), 3321, 7152, 7153, 7321, and 7322 of this title.

22 Each officer and individual employed in an agency to which the rules
23 apply shall aid in carrying out the rules.

24 § 3303. Competitive service; recommendations of Senators or Rep- 25 resentatives

26 An individual concerned in examining an applicant for or appoint-
27 ing him in the competitive service may not receive or consider a rec-
28 ommendation of the applicant by a Senator or Representative, except
29 as to the character or residence of the applicant.

30 § 3304. Competitive service; examinations

31 (a) The President may prescribe rules which shall provide, as near-
32 ly as conditions of good administration warrant, for—

33 (1) open, competitive examinations for testing applicants for
34 appointment in the competitive service which are practical in
35 character and as far as possible relate to matters that fairly test

the relative capacity and fitness of the applicants for the appointment sought; and

(2) noncompetitive examinations when competent applicants do not compete after notice has been given of the existence of the vacancy.

(b) An individual may be appointed in the competitive service only if he has passed an examination or is specifically excepted from examination under section 3302 of this title. This subsection does not take from the President any authority conferred by section 3301 of this title that is consistent with the provisions of this title governing the competitive service.

(c) Notwithstanding a contrary provision of this title or of the rules and regulations prescribed under this title for the administration of the competitive service, an individual who served—

(1) for at least 3 years in the legislative branch in a position in which he was paid by the Secretary of the Senate or the Clerk of the House of Representatives; or

(2) for at least 4 years as a secretary or law clerk, or both, to a justice or judge of the United States;

acquires a competitive status for transfer to the competitive service if he is involuntarily separated without prejudice from the legislative or judicial branch, passes a suitable noncompetitive examination, and transfers to the competitive service within 1 year of the separation from the legislative or judicial branch. For the purpose of this subsection, an individual who has served for at least 2 years in a position in the legislative branch described by paragraph (1) of this subsection and who is separated from that position to enter the armed forces is deemed to have held that position during his service in the armed forces.

(d) Employees at any place outside the District of Columbia where the President or a Civil Service Commission board of examiners directs that examinations be held shall allow the reasonable use of public buildings for, and in all proper ways facilitate, holding the examinations.

§ 3305. Competitive service; examinations; when held

(a) The Civil Service Commission shall hold examinations for the competitive service at least twice a year in each State and territory or possession of the United States where there are individuals to be examined.

(b) The Commission shall hold an examination for a position to which an appointment has been made within the preceding 3 years, on the application of an individual who qualifies as a preference eligible under section 2108(3)(B)–(F) of this title. The examination shall be held during the quarter following the application.

§ 3306. Competitive service; departmental service; apportionment

(a) (1) The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that appointments in the departmental service in the District of Columbia be apportioned among the States, territories and possessions of the United States, and the District of Columbia on the basis of population as ascertained at the last census.

(2) Paragraph (1) of this subsection does not apply to a preference eligible, but he may be required to furnish evidence of residence and domicile.

(b) An application for examination for appointment in the departmental service in the District of Columbia shall be accompanied by—

(1) a certificate under the seal of an official of the county and State of which the applicant claims to be a resident, that the applicant was a legal or voting resident of the State when he made the application and had been for at least 1 year before making the application; or

(2) a statement of the applicant under oath setting forth his legal or voting residence for 1 year before making the application, accompanied by letters from three reputable citizens of the State in which residence is claimed corroborating the statement.

This subsection does not apply to an employee serving in the competitive service with competitive status who seeks promotion or appointment to another position.

§ 3307. Competitive service; maximum-age requirement; restriction on use of appropriated funds

Appropriated funds may not be used to pay an employee who establishes a maximum-age requirement for entrance into the competitive service.

§ 3308. Competitive service; examinations; educational requirements prohibited; exceptions

The Civil Service Commission or other examining agency may not prescribe a minimum educational requirement for an examination for the competitive service except when the Commission decides that the duties of a scientific, technical, or professional position cannot be

performed by an individual who does not have a prescribed minimum education. The Commission shall make the reasons for its decision under this section a part of its public records.

§ 3309. Preference eligibles; examinations; additional points for

A preference eligible who receives a passing grade in an examination for entrance into the competitive service is entitled to additional points above his earned rating, as follows—

(1) a preference eligible under section 2108(3) (B)–(F) of this title—10 points; and

(2) a preference eligible under section 2108(3) (A) of this title—5 points.

§ 3310. Preference eligibles; examinations; guards, elevator operators, messengers, and custodians

In examinations for positions of guards, elevator operators, messengers, and custodians in the competitive service, competition is restricted to preference eligibles as long as preference eligibles are available.

§ 3311. Preference eligibles; examinations; crediting experience

In examinations for the competitive service in which experience is an element of qualification, a preference eligible is entitled to credit—

(1) for service in the armed forces when his employment in a similar vocation to that for which examined was interrupted by the service; and

(2) for all experience material to the position for which examined, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether he received pay therefor.

§ 3312. Preference eligibles; physical qualifications; waiver

In determining qualifications of a preference eligible for examination for, appointment in, or reinstatement in the competitive service, the Civil Service Commission or other examining agency shall waive—

(1) requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) physical requirements if, in the opinion of the Commission or other examining agency, after considering the recommendation of an accredited physician, the preference eligible is physically able to perform efficiently the duties of the position.

§ 3313. Competitive service; registers of eligibles

The names of applicants who have qualified in examinations for the

1 competitive service shall be entered on appropriate registers or lists
2 of eligibles in the following order—

3 (1) for scientific and professional positions in GS-9 or higher,
4 in the order of their ratings, including points added under sec-
5 tion 3309 of this title; and

6 (2) for all other positions—

7 (A) disabled veterans who have a compensable service-
8 connected disability of 10 percent or more, in order of their
9 ratings, including points added under section 3309 of this
10 title; and

11 (B) remaining applicants, in the order of their ratings,
12 including points added under section 3309 of this title.

13 The names of preference eligibles shall be entered ahead of others
14 having the same rating.

15 **§ 3314. Registers; preference eligibles who resigned**

16 A preference eligible who resigns, on request to the Civil Service
17 Commission, is entitled to have his name placed again on all registers
18 for which he may have been qualified, in the order named by section
19 3313 of this title.

20 **§ 3315. Registers; preference eligibles furloughed or separated**

21 (a) A preference eligible who has been separated or furloughed
22 without delinquency or misconduct, on request, is entitled to have his
23 name placed on appropriate registers and employment lists for every
24 position for which his qualifications have been established, in the order
25 named by section 3313 of this title. This subsection applies to regis-
26 ters and employment lists maintained by the Civil Service Commis-
27 sion, an Executive agency, or the government of the District of
28 Columbia.

29 (b) The Commission may declare a preference eligible who has
30 been separated or furloughed without pay under section 7512 of this
31 title to be entitled to the benefits of subsection (a) of this section.

32 **§ 3316. Preference eligibles; reinstatement**

33 A preference eligible who has resigned or who has been dismissed
34 or furloughed, on request of an appointing authority, may be certified
35 for, and appointed to, a position for which he is eligible in the com-
36 petitive service, an Executive agency, or the government of the Dis-
37 trict of Columbia.

38 **§ 3317. Competitive service; certification from registers**

39 (a) The Civil Service Commission shall certify enough names from
40 the top of the appropriate register to permit a nominating or appoint-

ing authority who has requested a certificate of eligibles to consider at least three names for appointment to each vacancy in the competitive service.

(b) When an appointing authority, for reasons considered sufficient by the Commission, has three times considered and passed over a preference eligible who was certified from a register, certification of the preference eligible for appointment may be discontinued. However, the preference eligible is entitled to advance notice of discontinuance of certification.

§ 3318. Competitive service; selection from certificates

(a) The nominating or appointing authority shall select for appointment to each vacancy from the highest three eligibles available for appointment on the certificate furnished under section 3317(a) of this title, unless objection to one or more of the individuals certified is made to, and sustained by, the Civil Service Commission for proper and adequate reason under regulations prescribed by the Commission.

(b) An appointing authority who passes over a preference eligible on a certificate and selects an individual who is not a preference eligible shall file written reasons with the Commission for passing over the preference eligible. The Commission shall make these reasons a part of the record of the preference eligible. The Commission may require the submission of more detailed information in support of the passing over of the preference eligible. The Commission shall determine the sufficiency or insufficiency of the reasons submitted and shall send its findings to the appointing authority. The appointing authority shall comply with the findings of the Commission. The preference eligible or his representative, on request, is entitled to a copy of—

(1) the reasons submitted by the appointing authority; and

(2) the findings of the Commission.

(c) When three or more names of preference eligibles are on a reemployment list appropriate for the position to be filled, a nominating or appointing authority may appoint from a register of eligibles established after examination only an individual who qualifies as a preference eligible under section 2108(3)(B)–(F) of this title.

§ 3319. Competitive service; selection; members of family restriction

(a) When two or more members of a family are employed in the competitive service, another member of the same family is not eligible for appointment in the competitive service.

1 (b) Subsection (a) of this section does not apply to a preference
2 eligible.

3 **§ 3320. Excepted service; government of the District of Columbia;**
4 **selection**

5 The nominating or appointing authority shall select for appoint-
6 ment to each vacancy in the excepted service in the executive branch
7 and in the government of the District of Columbia from the qualified
8 applicants in the same manner and under the same conditions required
9 for the competitive service by sections 3308–3318 of this title. This
10 section does not apply to an appointment required by Congress to
11 be confirmed by, or made with the advice and consent of, the Senate.

12 **§ 3321. Competitive service; probation; period of**

13 The President may prescribe rules which shall provide, as nearly
14 as conditions of good administration warrant, that there shall be a
15 period of probation before an appointment in the competitive service
16 becomes absolute.

17 **§ 3322. Competitive service; temporary appointments after age 70**

18 An individual who has reached his 70th birthday may be appointed
19 to a position in the competitive service only on a temporary basis.

20 **§ 3323. Automatic separations; reappointment; reemployment of**
21 **annuitants**

22 (a) Except as provided by subsections (b)–(d) of this section or
23 other statute—

24 (1) an individual who reaches the retirement age prescribed for
25 automatic separation applicable to him may not be continued in
26 the civil service or in the government of the District of Columbia;
27 and

28 (2) an individual separated on account of age under a statute
29 or regulation providing for retirement on account of age is not
30 eligible for appointment in the civil service or in the government
31 of the District of Columbia.

32 The President, when in his judgment the public interest so requires,
33 may except an individual from this subsection by Executive order.
34 This subsection does not apply to an individual named by a statute
35 providing for the continuance of the individual in the civil service or
36 in the government of the District of Columbia.

37 (b) An annuitant as defined by section 8331 of this title receiving
38 annuity from the Civil Service Retirement and Disability Fund is not
39 barred by reason of his retired status from employment in an ap-
40 pointive position for which he is qualified. An annuitant so reem-
41 ployed serves at the will of the appointing authority.

(c) A Foreign Service officer retired under section 1001 or 1002 of title 22 or a Foreign Service staff officer or employee retired under section 1063 of title 22 is not barred by reason of his retired status from employment in a position in the civil service for which he is qualified. An annuitant so reemployed serves at the will of the appointing authority.

(d) The Chief of Engineers of the Army, under section 569a of title 33, may employ a retired employee whose expert assistance is needed in connection with river and harbor or flood control works. There shall be deducted from the pay of an employee so reemployed an amount equal to the annuity or retired pay allocable to the period of actual employment.

§ 3324. Appointments at GS-16, 17, and 18

(a) An appointment to a position in GS-16, 17, or 18 may be made only on approval of the qualifications of the proposed appointee by the Civil Service Commission. This section does not apply to a position—

- (1) provided for in section 5108(c) (2) of this title;
- (2) to which appointment is made by the President;
- (3) to which appointment is made by the Librarian of Congress; or
- (4) the incumbent of which is paid from—

(A) appropriations for the Executive Office of the President under the headings "The White House Office", "Special Projects", "Council of Economic Advisers", "National Security Council", and "Office of Emergency Planning", or

(B) funds appropriated to the President under the heading "Emergency Fund for the President" by the Treasury, Post Office, and Executive Office Appropriation Act, 1966, or a later statute making appropriations for the same purpose.

(b) The Commission may prescribe regulations necessary for the administration of this section.

§ 3325. Appointments to scientific and professional positions

(a) Positions established under section 3104 of this title are in the competitive service. However, appointments to the positions are made without competitive examination on approval of the qualifications of the proposed appointee by the Civil Service Commission or its designee for this purpose.

(b) This section does not apply to positions established under section 3104(a) (7) of this title.

1 **§ 3326. Appointments of retired members of the armed forces to**
 2 **positions in the Department of Defense**

3 (a) For the purpose of this section, “member” and “Secretary con-
 4 cerned” have the meanings given them by section 101 of title 37.

5 (b) A retired member of the armed forces may be appointed to a
 6 position in the civil service in or under the Department of Defense
 7 (including a nonappropriated fund instrumentality under the juris-
 8 diction of the armed forces) during the period of 180 days immediately
 9 after his retirement only if—

10 (1) the proposed appointment is authorized by the Secretary
 11 concerned or his designee for the purpose, and, if the position is
 12 in the competitive service, after approval by the Civil Service
 13 Commission;

14 (2) the minimum rate of basic pay for the position has been in-
 15 creased under section 5303 of this title; or

16 (3) a state of national emergency exists.

17 (c) A request by appropriate authority for the authorization, or
 18 the authorization and approval, as the case may be, required by sub-
 19 section (b)(1) of this section shall be accompanied by a statement
 20 which shows the actions taken to assure that—

21 (1) full consideration, in accordance with placement and pro-
 22 motion procedures of the department concerned, was given to
 23 eligible career employees;

24 (2) when selection is by other than certification from an estab-
 25 lished civil service register, the vacancy has been publicized to give
 26 interested candidates an opportunity to apply;

27 (3) qualification requirements for the position have not been
 28 written in a manner designed to give advantage to the retired
 29 member; and

30 (4) the position has not been held open pending the retirement
 31 of the retired member.

32 **§ 3327. Postmasters; standards for determination of qualifica-**
 33 **tions**

34 In evaluating the qualifications of applicants for positions of post-
 35 master, the Civil Service Commission shall give, with respect to each
 36 applicant, due and appropriate consideration to experience in the
 37 postal field service, including seniority, length of service, level of

1 difficulty and responsibility of work, attendance, awards and com-
2 mendations, and performance rating.

3 SUBCHAPTER II—OATH OF OFFICE

4 § 3331. Oath of office

5 An individual, except the President, elected or appointed to an office
6 of honor or profit in the civil service or uniformed services, shall take
7 the following oath: "I, AB, do solemnly swear (or affirm) that I will
8 support and defend the Constitution of the United States against all
9 enemies, foreign and domestic; that I will bear true faith and alle-
10 giance to the same; that I take this obligation freely, without any
11 mental reservation or purpose of evasion; and that I will well and
12 faithfully discharge the duties of the office on which I am about to
13 enter. So help me God." This section does not affect other oaths
14 required by law.

15 § 3332. Officer affidavit; no consideration paid for appointment

16 An officer, within 30 days after the effective date of his appoint-
17 ment, shall file with the oath of office required by section 3331 of this
18 title an affidavit that neither he nor anyone acting in his behalf has
19 given, transferred, promised, or paid any consideration for or in the
20 expectation or hope of receiving assistance in securing the appoint-
21 ment.

22 § 3333. Employee affidavit; loyalty and striking against the 23 Government

24 (a) Except as provided by subsection (b) of this section, an indi-
25 vidual who accepts office or employment in the Government of the
26 United States or in the government of the District of Columbia shall
27 execute an affidavit within 60 days after accepting the office or em-
28 ployment that his acceptance and holding of the office or employment
29 does not or will not violate section 7311 of this title. The affidavit is
30 prima facie evidence that the acceptance and holding of office or
31 employment by the affiant does not or will not violate section 7311
32 of this title.

33 (b) An affidavit is not required from an individual employed by
34 the Government of the United States or the government of the District
35 of Columbia for less than 60 days for sudden emergency work involv-
36 ing the loss of human life or the destruction of property. This sub-

1 section does not relieve an individual from liability for violation of
2 section 7311 of this title.

3 SUBCHAPTER III—DETAILS

4 § 3341. Details; within Executive or military departments

5 (a) The head of an Executive department or military department
6 may detail employees among the bureaus and offices of his department,
7 except employees who are required by law to be exclusively engaged
8 on some specific work.

9 (b) Details under subsection (a) of this section may be made only
10 by written order of the head of the department, and may be for not
11 more than 120 days. These details may be renewed by written order
12 of the head of the department, in each particular case, for periods
13 not exceeding 120 days.

14 § 3342. Details; field to departmental service prohibited

15 An employee in the field service may not be detailed for duty in an
16 Executive department in the District of Columbia. This section does
17 not prohibit—

- 18 (1) temporary details for duty connected with the position of
- 19 the employee detailed;
- 20 (2) details specially provided by law; or
- 21 (3) the detail of one employee of the Bureau of Customs for
- 22 duty in the Department of the Treasury in the District of Colum-
- 23 bia.

24 § 3343. Details; to international organizations

25 (a) For the purpose of this section—

- 26 (1) “agency” means—
- 27 (A) an Executive agency; and
- 28 (B) an employing authority in the legislative branch;
- 29 (2) “employee” means an employee in or under an agency;
- 30 (3) “international organization” means a public international
- 31 organization or international-organization preparatory commis-
- 32 sion in which the Government of the United States participates;
- 33 and
- 34 (4) “detail” means the assignment or loan of an employee to
- 35 an international organization without a change of position from
- 36 the agency by which he is employed to an international organi-
- 37 zation.

38 (b) The head of an agency may detail, for a period of not more
39 than 3 years, an employee of his agency to an international orga-
40 nization which requests services.

(c) An employee detailed under subsection (b) of this section is deemed, for the purpose of preserving his allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed, and he is entitled to pay, allowances, and benefits from funds available to that agency. The authorization and payment of these allowances and other benefits from appropriations available therefor is deemed to comply with section 5536 of this title.

(d) Details may be made under subsection (b) of this section—

(1) without reimbursement to the United States by the international organization; or

(2) with agreement by the international organization to reimburse the United States for all or part of the pay, travel expenses, and allowances payable during the detail, and the reimbursement shall be credited to the appropriation, fund, or account used for paying the amounts reimbursed.

(e) An employee detailed under subsection (b) of this section may be paid or reimbursed by an international organization for allowances or expenses incurred in the performance of duties required by the detail, without regard to section 209 of title 18.

§ 3344. Details; hearing examiners

An agency as defined by section 551 of this title which occasionally or temporarily is insufficiently staffed with hearing examiners appointed under section 3105 of this title may use hearing examiners selected by the Civil Service Commission from and with the consent of other agencies.

§ 3345. Details; to office of head of Executive or military department

When the head of an Executive department or military department dies, resigns, or is sick or absent, his first assistant, unless otherwise directed by the President under section 3347 of this title, shall perform the duties of the office until a successor is appointed or the absence or sickness stops.

§ 3346. Details; to subordinate offices

When an officer of a bureau of an Executive department or military department, whose appointment is not vested in the head of the department, dies, resigns, or is sick or absent, his first assistant, unless otherwise directed by the President under section 3347 of this title, shall perform the duties of the office until a successor is appointed or the absence or sickness stops.

1 **§ 3347. Details; Presidential authority**

2 Instead of a detail under section 3345 or 3346 of this title, the
3 President may direct the head of another Executive department or
4 military department or another officer of an Executive department
5 or military department, whose appointment is vested in the President,
6 by and with the advice and consent of the Senate, to perform the
7 duties of the office until a successor is appointed or the absence or
8 sickness stops. This section does not apply to a vacancy in the office
9 of Attorney General.

10 **§ 3348. Details; limited in time**

11 A vacancy caused by death or resignation may be filled temporarily
12 under section 3345, 3346, or 3347 of this title for not more than 30 days.

13 **§ 3349. Details; to fill vacancies; restrictions**

14 A temporary appointment, designation, or assignment of one officer
15 to perform the duties of another under section 3345 or 3346 of this title,
16 may not be made otherwise than as provided by those sections, except
17 to fill a vacancy occurring during a recess of the Senate.

18 **SUBCHAPTER IV—TRANSFERS**

19 **§ 3351. Preference eligibles; transfer; physical qualifications;**
20 **waiver**

21 In determining qualifications of a preference eligible for transfer
22 to another position in the competitive service, an Executive agency,
23 or the government of the District of Columbia, the Civil Service
24 Commission or other examining agency shall waive—

25 (1) requirements as to age, height, and weight, unless the re-
26 quirement is essential to the performance of the duties of the
27 position; and

28 (2) physical requirements if, in the opinion of the Commission
29 or other examining agency, after considering the recommendation
30 of an accredited physician, the preference eligible is physically
31 able to perform efficiently the duties of the position.

32 This section does not apply to an appointment required by Congress
33 to be confirmed by, or made with the advice and consent of, the Senate,
34 except an appointment made under section 3311 of title 39.

35 **SUBCHAPTER V—PROMOTION**

36 **§ 3361. Promotion; competitive service; examination**

37 An individual may be promoted in the competitive service only if
38 he has passed an examination or is specifically excepted from examina-

tion under section 3302 of this title. This section does not take from the President any authority conferred by section 3301 of this title that is consistent with the provisions of this title governing the competitive service.

§ 3362. Promotion; effect of incentive award

An agency, in qualifying and selecting an employee for promotion, shall give due weight to an incentive award under chapter 45 of this title. For the purpose of this section, "agency" and "employee" have the meanings given them by section 4501 of this title.

§ 3363. Preference eligibles; promotion; physical qualifications; waiver

In determining qualifications of a preference eligible for promotion to another position in the competitive service, an Executive agency, or the government of the District of Columbia, the Civil Service Commission or other examining agency shall waive—

(1) requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) physical requirements if, in the opinion of the Commission or other examining agency, after considering the recommendation of an accredited physician, the preference eligible is physically able to perform efficiently the duties of the position.

This section does not apply to an appointment required by Congress to be confirmed by, or made with the advice and consent of, the Senate, except an appointment made under section 3311 of title 39.

§ 3364. Promotion; substitute employees in the postal field service

When substitute employees in the postal field service are appointed on the same day, each is entitled to be promoted to the regular force in the order in which his name appeared on the register from which he was originally appointed, if of the required sex, eligible, and willing to accept, unless the vacancy on the regular force is filled by transfer or reinstatement.

**CHAPTER 35—RETENTION PREFERENCE, RESTORATION,
AND REEMPLOYMENT**

SUBCHAPTER I—RETENTION PREFERENCE

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1 SUBCHAPTER II—RESTORATION AFTER ACTIVE DUTY
2 OR TRAINING DUTY

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3 SUBCHAPTER III—REINSTATEMENT OR RESTORATION
4 AFTER SUSPENSION OR REMOVAL FOR NATIONAL
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3581. Definitions.

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8 SUBCHAPTER I—RETENTION PREFERENCE

9 § 3501. Definitions ; application

10 (a) For the purpose of this subchapter, except section 3504—

11 (1) “active service” has the meaning given it by section 101 of
12 title 37 ;

13 (2) “a retired member of a uniformed service” means a member
14 or former member of a uniformed service who is entitled, under
15 statute, to retired, retirement, or retainer pay on account of his
16 service as such a member ; and

17 (3) a preference eligible employee who is a retired member of
18 a uniformed service is considered a preference eligible only if—

19 (A) his retirement was based on disability—

20 (i) resulting from injury or disease received in line of
21 duty as a direct result of armed conflict ; or

22 (ii) caused by an instrumentality of war and incurred
23 in the line of duty during a period of war as defined by
24 sections 101 and 301 of title 38 ;

25 (B) his service does not include twenty or more years of
26 full-time active service, regardless of when performed but
27 not including periods of active duty for training ; or

28 (C) on November 30, 1964, he was employed in a position
29 to which this subchapter applies and thereafter he continued
30 to be so employed without a break in service of more than 30
31 days.

32 (b) Except as otherwise provided by this subsection and section
33 3504 of this title, this subchapter applies to each employee in or under
34 an Executive agency. This subchapter does not apply to an employee

whose appointment is required by Congress to be confirmed by, or made with the advice and consent of, the Senate, except an employee whose appointment is made under section 3311 of title 39.

§ 3502. Order of retention

(a) The Civil Service Commission shall prescribe regulations for the release of competing employees in a reduction in force which give due effect to—

- (1) tenure of employment;
- (2) military preference, subject to section 3501(a)(3) of this title;
- (3) length of service; and
- (4) efficiency or performance ratings.

In computing length of service, a competing employee—

(A) who is not a retired member of a uniformed service is entitled to credit for the total length of time in active service in the armed forces; and

(B) who is a retired member of a uniformed service is entitled to credit for—

(i) the length of time in active service in the armed forces during a war, or in a campaign or expedition for which a campaign badge has been authorized; or

(ii) the total length of time in active service in the armed forces if he is included under section 3501(a)(3)(A), (B), or (C) of this title.

(b) A preference eligible employee whose efficiency or performance rating is “good” or “satisfactory” or better than “good” or “satisfactory” is entitled to be retained in preference to other competing employees. A preference eligible employee whose efficiency or performance rating is below “good” or “satisfactory” is entitled to be retained in preference to competing nonpreference employees who have equal or lower efficiency or performance ratings.

§ 3503. Transfer of functions

(a) When a function is transferred from one agency to another, each preference eligible employed in the function shall be transferred to the receiving agency for employment in a position for which he is qualified before the receiving agency may make an appointment from another source to that position.

(b) When one agency is replaced by another, each preference eligible employed in the agency to be replaced shall be transferred to the replacing agency for employment in a position for which he is qualified

1 before the replacing agency may make an appointment from another
2 source to that position.

3 **§ 3504. Preference eligibles; retention; physical qualifications;**
4 **waiver**

5 In determining qualifications of a preference eligible for retention
6 in a position in the competitive service, an Executive agency, or the
7 government of the District of Columbia, the Civil Service Commission
8 or other examining agency shall waive—

9 (1) requirements as to age, height, and weight, unless the re-
10 quirement is essential to the performance of the duties of the
11 position; and

12 (2) physical requirements if, in the opinion of the Commission
13 or other examining agency, after considering the recommendation
14 of an accredited physician, the preference eligible is physically
15 able to perform efficiently the duties of the position.

16 **SUBCHAPTER II—RESTORATION AFTER ACTIVE DUTY**
17 **OR TRAINING DUTY**

18 **§ 3551. Restoration; Reserves and National Guardsmen**

19 An employee as defined by section 2105 of this title or an individual
20 employed by the government of the District of Columbia, permanent
21 or temporary indefinite, who is ordered to active duty or to duty under
22 sections 502–505 of title 32 as a Reserve of the armed forces or member
23 of the National Guard is entitled, on release from duty, to be restored
24 to the position held when ordered to duty.

25 **SUBCHAPTER III—REINSTATEMENT OR RESTORATION**
26 **AFTER SUSPENSION OR REMOVAL FOR NATIONAL**
27 **SECURITY**

28 **§ 3571. Reinstatement or restoration; individuals suspended or re-**
29 **moved for national security**

30 An individual suspended or removed under section 7532 of this title
31 may be restored to duty in the discretion of the head of the agency
32 concerned.

33 **SUBCHAPTER IV—REEMPLOYMENT AFTER SERVICE**
34 **WITH AN INTERNATIONAL ORGANIZATION**

35 **§ 3581. Definitions**

36 For the purpose of this subchapter—

37 (1) “agency” means—

38 (A) an Executive agency; and

39 (B) an employing authority in the legislative branch;

40 (2) “employee” means an employee in or under an agency;

(3) "international organization" means a public international organization or international-organization preparatory commission in which the Government of the United States participates;

(4) "transfer" means the change of position by an employee from an agency to an international organization; and

(5) "reemployment" means—

(A) the reemployment of an employee under section 3582

(a) of this title; or

(B) the reemployment of a Congressional employee within 90 days from his separation from an international organization;

following a term of employment not extending beyond the period named by the head of the agency at the time of consent to transfer or, in the absence of a named period, not extending beyond the first 3 consecutive years after entering the employ of the international organization.

§ 3582. Rights of transferring employees

(a) An employee serving under an appointment not limited to 1 year or less who transfers to an international organization with the consent of the head of his agency is entitled—

(1) to retain coverage, rights, and benefits under any system established by law for the retirement of employees, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the international organization are currently deposited in the system's fund or depository; and the period during which coverage, rights, and benefits are retained under this paragraph is deemed creditable service under the system;

(2) to retain coverage, rights, and benefits under chapter 87 of this title, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the international organization are currently deposited in the Employees' Life Insurance Fund; and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapter 87 of this title;

(3) to retain coverage, rights, and benefits under subchapter I of chapter 81 of this title, and for this purpose his employment with the international organization is deemed employment by the

United States, but if he or his dependents receive from the international organization a payment, allowance, gratuity, payment under an insurance policy for which the premium is wholly paid by the international organization, or other benefit of any kind on account of the same injury or death, the amount thereof is credited against disability or death compensation, as the case may be, payable under subchapter I of chapter 81 of this title; and

(4) to elect to retain to his credit all accumulated and current accrued annual leave to which entitled at the time of transfer which would otherwise be liquidated by a lump-sum payment. On his request at any time before reemployment, he shall be paid for the annual leave retained. If he receives a lump-sum payment and is reemployed within 6 months after transfer, he shall refund to the agency the amount of the lump-sum payment. This paragraph does not operate to cause a forfeiture of retained annual leave following reemployment or to deprive an employee of a lump-sum payment to which he would otherwise be entitled.

(b) An employee entitled to the benefits of subsection (a) of this section, except a Congressional employee, is entitled to be reemployed within 30 days of his application for reemployment in his former position or a position of like seniority, status, and pay in the agency from which he transferred, if—

(1) he is separated from the international organization within 3 years after entering on duty with the international organization or within such shorter period as may be named by the head of the agency at the time of consent to transfer; and

(2) he applies for reemployment not later than 90 days after the separation.

On reemployment, he is entitled to the rate of basic pay to which he would be entitled had he remained in the civil service. On reemployment, the agency shall restore his sick leave account, by credit or charge, to its status at the time of transfer. The period of separation caused by his employment with the international organization and the period necessary to effect reemployment are deemed creditable service for all appropriate civil service employment purposes.

(c) This section applies only with respect to so much of a period of employment with an international organization as does not exceed 3 years or such shorter period named by the head of the agency at the time of consent to transfer, except that for retirement and insurance purposes this section continues to apply during the period after separation from the international organization in which—

(1) an employee, except a Congressional employee, is properly

exercising or could exercise the reemployment right established by subsection (b) of this section; or

(2) a Congressional employee is effecting or could effect a reemployment.

During that reemployment period, the employee is deemed on leave without pay for retirement and insurance purposes.

(d) During the employee's period of service with the international organization, the agency contribution for retirement and insurance purposes may be made from the appropriations or funds of the agency from which the employee transferred.

§ 3583. Computations

A computation under this subchapter before reemployment is made in the same manner as if the employee had received basic pay, or basic pay plus additional pay in the case of a Congressional employee, at the rate at which it would have been payable had the employee continued in the position in which he was serving at the time of transfer.

§ 3584. Regulations

The President may prescribe regulations necessary to carry out this subchapter and section 3343 of this title and to protect and assure the retirement, insurance, leave, and reemployment rights and such other similar civil service employment rights as he finds appropriate. The regulations may provide for the exclusion of employees from the application of this subchapter and section 3343 of this title on the basis of the nature and type of employment including excepted appointments of a confidential or policy-determining character, or conditions pertaining to the employment including short-term appointments, seasonal or intermittent employment, and part-time employment.

Subpart C—Employee Performance

CHAPTER 41—TRAINING

Sec.

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1 **§ 4101. Definitions**

2 For the purpose of this chapter—

- 3 (1) “agency”, subject to section 4102 of this title, means—
- 4 (A) an Executive department;
- 5 (B) an independent establishment;
- 6 (C) a Government corporation subject to sections 846–852
- 7 or 856–859 of title 31;
- 8 (D) the Library of Congress;
- 9 (E) the Government Printing Office; and
- 10 (F) the government of the District of Columbia;
- 11 (2) “employee”, subject to section 4102 of this title, means—
- 12 (A) an individual employed in or under an agency; and
- 13 (B) a commissioned officer of the Coast and Geodetic Sur-
- 14 vey;
- 15 (3) “Government” means the Government of the United States
- 16 and the government of the District of Columbia;
- 17 (4) “training” means the process of providing for and making
- 18 available to an employee, and placing or enrolling the employee
- 19 in, a planned, prepared, and coordinated program, course, cur-
- 20 riculum, subject, system, or routine of instruction or education, in
- 21 scientific, professional, technical, mechanical, trade, clerical, fiscal,
- 22 administrative, or other fields which are or will be directly re-
- 23 lated to the performance by the employee of official duties for the
- 24 Government, in order to increase the knowledge, proficiency, abil-
- 25 ity, skill, and qualifications of the employee in the performance
- 26 of official duties;
- 27 (5) “Government facility” means property owned or sub-
- 28 stantially controlled by the Government and the services of any
- 29 civilian and military personnel of the Government; and
- 30 (6) “non-Government facility” means—
- 31 (A) the government of a State or of a territory or pos-
- 32 session of the United States including the Commonwealth of
- 33 Puerto Rico, and an interstate governmental organization, or
- 34 a unit, subdivision, or instrumentality of any of the foregoing;
- 35 (B) a foreign government or international organization,
- 36 or instrumentality of either, which is designated by the Presi-
- 37 dent as eligible to provide training under this chapter;
- 38 (C) a medical, scientific, technical, educational, research,
- 39 or professional institution, foundation, or organization;
- 40 (D) a business, commercial, or industrial firm, corpora-
- 41 tion, partnership, proprietorship, or other organization;

(E) individuals other than civilian or military personnel of the Government; and

(F) the services and property of any of the foregoing furnishing the training.

§ 4102. Exceptions; Presidential authority

(a) (1) This chapter does not apply to—

(A) a corporation supervised by the Farm Credit Administration if private interests elect or appoint a member of the board of directors;

(B) the Tennessee Valley Authority; or

(C) an individual (except a commissioned officer of the Coast and Geodetic Survey) who is a member of a uniformed service during a period in which he is entitled to pay under section 204 of title 37.

(2) This chapter (except sections 4110 and 4111) does not apply to—

(A) the Foreign Service, Department of State; or

(B) an individual appointed by the President (except a Postmaster), unless the individual is specifically designated by the President for training under this chapter.

(b) The President, at any time in the public interest, may—

(1) except an agency or part thereof, or an employee or group or class of employees therein, from this chapter or a provision thereof (except this section); and

(2) withdraw an exception made under this subsection.

However, the President may not except the Civil Service Commission from a provision of this chapter which vests in or imposes on the Commission a function, duty, or responsibility concerning any matter except the establishment, operation, and maintenance, in the same capacity as other agencies, of training programs and plans for its employees.

§ 4103. Establishment of training programs

In order to increase economy and efficiency in the operations of the agency and to raise the standards of performance by employees of their official duties to the maximum possible level of proficiency, the head of each agency, in conformity with this chapter, shall establish, operate, and maintain a program or programs, and a plan or plans thereunder, for the training of employees in or under the agency by, in, and through Government facilities and non-Government facilities. Each program, and plan thereunder, shall—

1 (1) conform to the principles, standards, and related require-
 2 ments contained in the regulations prescribed under section 4118
 3 of this title;

4 (2) provide for adequate administrative control by appropriate
 5 authority; and

6 (3) provide for the encouragement of self-training by em-
 7 ployees by means of appropriate recognition of resultant increases
 8 in proficiency, skill, and capacity.

9 Two or more agencies jointly may operate under a training program.

10 **§ 4104. Government facilities; use of**

11 An agency program for the training of employees by, in, and
 12 through Government facilities under this chapter shall—

13 (1) provide for training, insofar as practicable, by, in, and
 14 through Government facilities under the jurisdiction or control
 15 of the agency; and

16 (2) provide for the making by the agency, to the extent neces-
 17 sary and appropriate, of agreements with other agencies in any
 18 branch of the Government, on a reimbursable basis when re-
 19 quested by the other agencies, for—

20 (A) use of Government facilities under the jurisdiction or
 21 control of the other agencies in any branch of the Govern-
 22 ment; and

23 (B) extension to employees of the agency of training pro-
 24 grams of other agencies.

25 **§ 4105. Non-Government facilities; use of**

26 (a) The head of an agency, without regard to section 5 of title 41,
 27 may make agreements or other arrangements for the training of em-
 28 ployees of the agency by, in, or through non-Government facilities
 29 under this chapter.

30 (b) An agency program for the training of employees by, in, and
 31 through non-Government facilities under this chapter shall—

32 (1) provide that information concerning the selection and
 33 assignment of employees for training and the applicable training
 34 limitations and restrictions be made available to employees of the
 35 agency; and

36 (2) give consideration to the needs and requirements of the
 37 agency in recruiting and retaining scientific, professional, techni-
 38 cal, and administrative employees.

39 (c) In order to protect the Government concerning payment and
 40 reimbursement of training expenses, each agency shall prescribe such

regulations as it considers necessary to implement the regulations prescribed under section 4118(a) (8) of this title.

§ 4106. Non-Government facilities; amount of training limited

(a) The training of employees by, in, and through non-Government facilities under this chapter is subject to the following limitations:

(1) The number of man-years of training for an agency in a fiscal year may not exceed 1 percent of the total number of man-years of civilian employment for the agency in the same fiscal year as disclosed by the agency budget estimates for the year.

(2) An employee having less than 1 year of current, continuous civilian service is not eligible for training unless the head of his agency determines, under regulations prescribed under section 4118 of this title, that training for the employee is in the public interest.

(3) The time spent by an employee in training may not exceed 1 year in the first 10-year period and in each subsequent 10-year period of his continuous or non-continuous civilian service in the Government.

The Civil Service Commission may prescribe other limitations, in accordance with the provisions and purposes of this chapter, concerning the time which may be spent by an employee in training.

(b) On recommendation of the head of an agency, the Commission may waive, with respect to that agency or part thereof or one or more employees therein, all or any of the limitations covered by subsection (a) of this section, if the Commission determines that the application of all or any of the limitations thereto is contrary to the public interest. The Commission, in the public interest, may reimpose all or any of the limitations so waived.

§ 4107. Non-Government facilities; restrictions

(a) Appropriations or other funds available to an agency are not available for payment for training an employee—

(1) by, in, or through a non-Government facility which teaches or advocates the overthrow of the Government of the United States by force or violence; or

(2) by or through an individual concerning whom determination has been made by a proper Government administrative or investigatory authority that, on the basis of information or evidence developed in investigations and procedures authorized by law or Executive order, there exists a reasonable doubt of his loyalty to the United States.

1 (b) This chapter does not authorize training an employee by, in,
 2 or through a non-Government facility a substantial part of the activi-
 3 ties of which is—

4 (1) carrying on propaganda, or otherwise attempting, to influ-
 5 ence legislation; or

6 (2) participating or intervening, including publishing or dis-
 7 tributing statements, in a political campaign on behalf of a candi-
 8 date for public office.

9 (c) This chapter does not authorize the selection and assignment
 10 of an employee for training by, in, or through a non-Government
 11 facility, or the payment or reimbursement of the costs of training,
 12 for—

13 (1) the purpose of providing an opportunity to an employee
 14 to obtain an academic degree in order to qualify for appointment
 15 to a particular position for which the academic degree is a basic
 16 requirement; or

17 (2) the sole purpose of providing an opportunity to an em-
 18 ployee to obtain one or more academic degrees.

19 **§ 4108. Employee agreements; service after training**

20 (a) An employee selected for training by, in, or through a non-
 21 Government facility under this chapter shall agree in writing with the
 22 Government before assignment to training that he will—

23 (1) continue in the service of his agency after the end of the
 24 training period for a period at least equal to three times the
 25 length of the training period unless he is involuntarily separated
 26 from the service of his agency; and

27 (2) pay to the Government the amount of the additional ex-
 28 penses incurred by the Government in connection with his train-
 29 ing if he is voluntarily separated from the service of his agency
 30 before the end of the period for which he has agreed to continue
 31 in the service of his agency.

32 (b) The payment agreed to under subsection (a) (2) of this section
 33 may not be required of an employee who leaves the service of his
 34 agency to enter into the service of another agency in any branch of the
 35 Government unless the head of the agency that authorized the training
 36 notifies the employee before the effective date of his entrance into the
 37 service of the other agency that payment will be required under this
 38 section.

39 (c) If an employee, except an employee relieved of liability under
 40 subsection (b) of this section or section 4102(b) of this title, fails to
 41 fulfill his agreement to pay to the Government the additional expenses

incurred by the Government in connection with his training, a sum equal to the amount of the additional expenses of training is recoverable by the Government from the employee or his estate by—

(1) setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; and

(2) such other method as is provided by law for the recovery of amounts owing to the Government.

The head of the agency concerned, under the regulations prescribed under section 4118 of this title, may waive in whole or in part a right of recovery under this subsection, if it is shown that the recovery would be against equity and good conscience or against the public interest.

§ 4109. Expenses of training

(a) The head of an agency, under the regulations prescribed under section 4118(a) (8) of this title and from appropriations or other funds available to the agency, may—

(1) pay all or a part of the pay (except overtime, holiday, or night differential pay) of an employee of the agency selected and assigned for training under this chapter, for the period of training; and

(2) pay, or reimburse the employee for, all or a part of the necessary expenses of the training, without regard to section 529 of title 31, including among the expenses the necessary costs of—

(A) travel and per diem instead of subsistence under subchapter I of chapter 57 of this title or, in the case of commissioned officers of the Coast and Geodetic Survey, sections 404 and 405 of title 37, and the Joint Travel Regulations for the Uniformed Services;

(B) transportation of immediate family, household goods and personal effects, packing, crating, temporarily storing, draying, and unpacking under section 5724 of this title, and regulations prescribed under Executive Order 11012, or, in the case of commissioned officers of the Coast and Geodetic Survey, sections 406 and 409 of title 37, and the Joint Travel Regulations for the Uniformed Services, when the estimated costs of transportation and related services are less than the estimated aggregate per diem payments for the period of training;

(C) tuition and matriculation fees;

(D) library and laboratory services;

(E) purchase or rental of books, materials, and supplies;
and

(F) other services or facilities directly related to the training of the employee.

(b) The expenses of training do not include membership fees except to the extent that the fee is a necessary cost directly related to the training itself or that payment of the fee is a condition precedent to undergoing the training.

§ 4110. Expenses of attendance at meetings

Appropriations available to an agency for travel expenses are available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of the functions or activities.

§ 4111. Acceptance of contributions, awards, and other payments

(a) To the extent authorized by regulation of the President, contributions and awards incident to training in non-Government facilities, and payment of travel, subsistence, and other expenses incident to attendance at meetings, may be made to and accepted by an employee, without regard to section 209 of title 18, if the contributions, awards, and payments are made by an organization determined by the Secretary of the Treasury to be an organization described by section 501(c)(3) of title 26 which is exempt from taxation under section 501(a) of title 26.

(b) When a contribution, award, or payment, in cash or in kind, is made to an employee for travel, subsistence, or other expenses under subsection (a) of this section, an appropriate reduction, under regulations of the Director of the Bureau of the Budget, shall be made from payment by the Government to the employee for travel, subsistence, or other expenses incident to training in a non-Government facility or to attendance at a meeting.

§ 4112. Absorption of costs within funds available

(a) The Director of the Bureau of the Budget, to the extent he considers practicable, shall provide by regulation for the absorption of the costs of the training programs and plans under this chapter by the respective agencies from applicable appropriations or funds available for each fiscal year.

(b) Subsection (a) of this section may not be held or considered to require—

(1) the separation of an individual from the service by reduction in force or other personnel action; or

(2) the placement of an individual in a leave-without-pay status.

§ 4113. Agency review of training needs; annual program reports

(a) The head of each agency, at least once every 3 years, shall review the needs and requirements of the agency for the training of employees under its jurisdiction. The Civil Service Commission, on request of an agency, may assist the agency with the review. Information obtained or developed in a review shall be made available to the Commission at its request.

(b) Each agency shall report annually to the Commission, at such times and in such form as the Commission prescribes, on its programs and plans for the training of employees under this chapter. The report shall set forth—

(1) such information concerning the expenditures of the agency in connection with training as the Commission considers appropriate;

(2) the name of each employee of the agency, except a student participating in a cooperative educational program, who, during the period covered by the report, received training by, in, or through a non-Government facility for more than 120 days; the grade, title, and primary duties of the position held by the employee; the name of the non-Government facility from which the training was received; the nature, length, and cost of the training to the Government; and the relationship of the training to official duties;

(3) the name of each employee of the agency who received a contribution or award under section 4111(a) of this title during the period covered by the report;

(4) a statement concerning the value of the training to the agency;

(5) estimates of the extent to which economies and improved operations have resulted from the training; and

(6) such other information as the agency or the Commission considers appropriate.

§ 4114. Non-Government facilities; review of training programs

The Civil Service Commission, at the times and to the extent it considers necessary, shall review the operations, activities, and related transactions of each agency in connection with each agency program, and plan thereunder, for the training of its employees by, in, and through non-Government facilities under this chapter in order to determine whether the operations, activities, and related transactions

1 comply with the programs and plans, the provisions and purposes of
 2 this chapter, and the principles, standards, and related requirements
 3 contained in the regulations prescribed under section 4118 of this title.
 4 Each agency, on request of the Commission, shall cooperate and assist
 5 in the review. If the Commission finds that noncompliance exists in an
 6 agency, the Commission, after consultation with the agency, shall
 7 certify to the head of the agency its recommendations for change of
 8 actions and procedures. If, after a reasonable time for placing its
 9 recommendations in effect, the Commission finds that noncompliance
 10 continues to exist in the agency, the Commission shall report the
 11 finding to the President for such action as he considers appropriate.

12 **§ 4115. Collection of training information**

13 The Civil Service Commission, to the extent it considers appropriate
 14 in the public interest, may collect information concerning training
 15 programs, plans, and the methods inside and outside the Government.
 16 The Commission, on request, may make the information available to
 17 an agency and to Congress.

18 **§ 4116. Training program assistance**

19 The Civil Service Commission, on request of an agency, shall advise
 20 and assist in the establishment, operation, and maintenance of the
 21 training programs and plans of the agency under this chapter, to the
 22 extent of its facilities and personnel available for that purpose.

23 **§ 4117. Administration**

24 The Civil Service Commission has the responsibility and authority
 25 for effective promotion and coordination of the training programs
 26 under this chapter and training operations thereunder. The func-
 27 tions, duties, and responsibilities of the Commission under this chapter
 28 are subject to supervision and control by the President and review by
 29 Congress.

30 **§ 4118. Regulations**

31 (a) The Civil Service Commission, after considering the needs and
 32 requirements of each agency for training its employees and after con-
 33 sulting with the agencies principally concerned, shall prescribe regu-
 34 lations containing the principles, standards, and related requirements
 35 for the programs, and plans thereunder, for the training of employees
 36 under this chapter, including requirements for coordination of and
 37 reasonable uniformity in the agency training programs and plans.
 38 The regulations shall provide for the maintenance of necessary infor-
 39 mation concerning the general conduct of the training activities of
 40 each agency, and such other information as is necessary to enable the
 41 President and Congress to discharge effectively their respective duties

1 and responsibilities for supervision, control, and review of these train-
 2 ing programs. The regulations also shall cover—

3 (1) requirements concerning the determination and continuing
 4 review by each agency of its training needs and requirements;

5 (2) the scope and conduct of the agency training programs and
 6 plans;

7 (3) the selection and assignment of employees of each agency
 8 for training;

9 (4) the use in each agency of the services of employees who
 10 have undergone training;

11 (5) the evaluation of the results and effects of the training
 12 programs and plans;

13 (6) the interchange of training information among the
 14 agencies;

15 (7) the submission of reports by the agencies on results and
 16 effects of training programs and plans and economies resulting
 17 therefrom, including estimates of costs of training by, in, and
 18 through non-Government facilities;

19 (8) requirements and limitations necessary with respect to pay-
 20 ments and reimbursements in accordance with section 4109 of
 21 this title; and

22 (9) other matters considered appropriate or necessary by the
 23 Commission to carry out the provisions of this chapter.

24 (b) In addition to the matters set forth by subsection (a) of this
 25 section, the regulations, concerning training of employees by, in, or
 26 through non-Government facilities, shall—

27 (1) prescribe general policies governing the selection of a non-
 28 Government facility to provide training;

29 (2) authorize training of employees only after the head of the
 30 agency concerned determines that adequate training for employees
 31 by, in, or through a Government facility is not reasonably avail-
 32 able, and that consideration has been given to the existing or
 33 reasonably foreseeable availability and use of fully trained
 34 employees; and

35 (3) prohibit training an employee for the purpose of filling a
 36 position by promotion if there is in the agency concerned another
 37 employee, of equal ability and suitability, fully qualified to fill
 38 the position and available at, or within a reasonable distance from,
 39 the place where the duties of the position are to be performed.

40 (c) The Commission, in accordance with this chapter, may revise,

1 supplement, or abolish regulations prescribed under this section, and
2 prescribe additional regulations.

3 (d) This section does not authorize the Commission to prescribe the
4 types and methods of intra-agency training or to regulate the details
5 of intra-agency training programs.

6 **CHAPTER 43—PERFORMANCE RATING**

Sec.

4301. Definitions.

4302. Performance-rating plans; establishment of.

4303. Performance-rating plans; requirements for.

4304. Ratings for performance.

4305. Review of ratings.

4306. Performance-rating plans; inspection of.

4307. Other rating procedures prohibited.

4308. Regulations.

7 **§ 4301. Definitions**

8 For the purpose of this chapter—

9 (1) “agency” means—

- 10 (A) an Executive agency;
- 11 (B) the Administrative Office of the United States Courts;
- 12 (C) the Library of Congress;
- 13 (D) the Botanic Garden;
- 14 (E) the Government Printing Office; and
- 15 (F) the government of the District of Columbia;

16 but does not include—

- 17 (i) the Tennessee Valley Authority;
- 18 (ii) the postal field service;
- 19 (iii) the Foreign Service, Department of State;
- 20 (iv) the Atomic Energy Commission;
- 21 (v) the Central Intelligence Agency;
- 22 (vi) the National Security Agency; or
- 23 (vii) a Government controlled corporation; and

24 (2) “employee” means an individual employed in or under
25 an agency, but does not include—

26 (A) a physician, dentist, nurse, or other employee in the
27 Department of Medicine and Surgery, Veterans’ Administra-
28 tion, whose pay is fixed under chapter 73 of title 38;

29 (B) an employee outside the continental United States
30 who is paid in accordance with local native prevailing wage
31 rates for the area in which employed;

32 (C) a civilian officer and member of a crew of a vessel
33 operated by the Department of the Army or the Department
34 of the Navy;

(D) an individual employed by the government of the District of Columbia whose pay is not fixed under chapter 51 and subchapter III of chapter 53 of this title; or

(E) a hearing examiner appointed under section 3105 of this title.

§ 4302. Performance-rating plans; establishment of

For the purpose of recognizing the merits of employees and their contributions to efficiency and economy in the Federal service, each agency shall establish and use one or more performance-rating plans for evaluating the work performance of its employees.

§ 4303. Performance-rating plans; requirements for

Each performance-rating plan shall be as simple as possible and shall provide—

(1) that performance requirements be made known to all employees;

(2) that performance of the employee be fairly appraised in relation to the requirements;

(3) for use of appraisals to improve employee performance;

(4) for strengthening supervisor-employee relationships; and

(5) that each employee be kept currently advised of his performance and promptly notified of his performance rating.

§ 4304. Ratings for performance

(a) Each performance-rating plan shall provide for ratings representing at least—

(1) satisfactory performance;

(2) unsatisfactory performance; and

(3) outstanding performance.

(b) An employee may be rated unsatisfactory only after a 90-day advance warning and after a reasonable opportunity to demonstrate satisfactory performance. A performance rating of unsatisfactory is a basis for removal from the position in which the performance was unsatisfactory.

(c) A performance rating of outstanding may be given only when all aspects of performance not only exceed normal requirements but are outstanding and deserve special commendation.

§ 4305. Review of ratings

(a) An agency, on request of an employee of that agency, shall provide one impartial review of the performance rating of the employee.

1 (b) Each agency shall establish one or more boards of review of
2 equal jurisdiction to consider and pass on the merits of performance
3 ratings under rating plans established under this chapter. Each
4 board of review shall have three members, one member designated by
5 the head of the agency, one member designated by the employees of
6 the agency in the manner prescribed by the Civil Service Commission,
7 and one member, who serves as chairman, designated by the Com-
8 mission. Alternate members are designated in the same manner as
9 their respective principals.

10 (c) In addition to the review under subsection (a) of this section,
11 an employee with a current performance rating of less than satisfac-
12 tory, on written appeal to the chairman of the appropriate board of
13 review established under subsection (b) of this section, is entitled to
14 a hearing and decision on the merits of the appealed rating. If an
15 employee with a current performance rating of satisfactory has not
16 requested and obtained review of the rating under subsection (a) of
17 this section, he is entitled, on written appeal to the chairman of the
18 appropriate board of review established under subsection (b) of this
19 section, to a hearing and decision on the merits of the appealed rating.

20 (d) At the hearing the appellant, or his designated representative,
21 and representatives of the agency are entitled to submit pertinent
22 information orally or in writing, and to hear or examine, and reply to,
23 information submitted by others. After the hearing, the board of
24 review shall confirm the appealed rating or make such change as it
25 considers proper.

26 **§ 4306. Performance-rating plans; inspection of**

27 (a) The Civil Service Commission shall inspect the administration
28 of performance-rating plans by each agency to determine compliance
29 with the requirements of this chapter and the regulations prescribed
30 thereunder.

31 (b) When the Commission determines that a performance-rating
32 plan does not meet the requirements of this chapter and the regula-
33 tions prescribed thereunder, the Commission, after notice to the
34 agency giving the reasons, may revoke its approval of the plan.
35 After revocation, the performance-rating plan and any current ratings
36 thereunder are inoperative, and the agency thereafter shall use a
37 performance-rating plan prescribed by the Commission.

38 **§ 4307. Other rating procedures prohibited**

39 An employee may not be given a performance rating, regardless of
40 the name given to the rating, and a rating may not be used as a basis
41 for any action, except under a performance-rating plan approved by

the Civil Service Commission as meeting the requirements of this chapter.

§ 4308. Regulations

The Civil Service Commission may prescribe regulations necessary for the administration of this chapter.

CHAPTER 45—INCENTIVE AWARDS

Sec.

4501. Definitions.

4502. General provisions.

4503. Agency awards.

4504. Presidential awards.

4505. Awards to former employees.

4506. Regulations.

§ 4501. Definitions

For the purpose of this chapter—

(1) “agency” means—

(A) an Executive agency;

(B) the Administrative Office of the United States Courts;

(C) the Library of Congress;

(D) the Office of the Architect of the Capitol;

(E) the Botanic Garden;

(F) the Government Printing Office; and

(G) the government of the District of Columbia;

but does not include—

(i) the Tennessee Valley Authority; or

(ii) the Central Bank for Cooperatives;

(2) “employee” means—

(A) an employee as defined by section 2105 of this title;

and

(B) an individual employed by the government of the

District of Columbia; and

(3) “Government” means the Government of the United States

and the government of the District of Columbia.

§ 4502. General provisions

(a) Except as provided by subsection (b) of this section, a cash award under this chapter may not exceed \$5,000.

(b) When the head of an agency certifies to the Civil Service Commission that the suggestion, invention, superior accomplishment, or other meritorious effort for which the award is proposed is highly exceptional and unusually outstanding, a cash award in excess of \$5,000 but not in excess of \$25,000 may be granted with the approval of the Commission.

1 (c) A cash award under this chapter is in addition to the regular
2 pay of the recipient. Acceptance of a cash award under this chapter
3 constitutes an agreement that the use by the Government of an idea,
4 method, or device for which the award is made does not form the basis
5 of a further claim of any nature against the Government by the em-
6 ployee, his heirs, or assigns.

7 (d) A cash award to, and expense for the honorary recognition of,
8 an employee may be paid from the fund or appropriation available
9 to the activity primarily benefiting or the various activities benefiting.
10 The head of the agency concerned determines the amount to be paid
11 by each activity for an agency award under section 4503 of this title.
12 The President determines the amount to be paid by each activity for a
13 Presidential award under section 4504 of this title.

14 **§ 4503. Agency awards**

15 The head of an agency may pay a cash award to, and incur neces-
16 sary expense for the honorary recognition of, an employee who—

17 (1) by his suggestion, invention, superior accomplishment, or
18 other personal effort contributes to the efficiency, economy, or
19 other improvement of Government operations; or

20 (2) performs a special act or service in the public interest in
21 connection with or related to his official employment.

22 **§ 4504. Presidential awards**

23 The President may pay a cash award to, and incur necessary expense
24 for the honorary recognition of, an employee who—

25 (1) by his suggestion, invention, superior accomplishment, or
26 other personal effort contributes to the efficiency, economy, or
27 other improvement of Government operations; or

28 (2) performs an exceptionally meritorious special act or service
29 in the public interest in connection with or related to his official
30 employment.

31 A Presidential award may be in addition to an agency award under
32 section 4503 of this title.

33 **§ 4505. Awards to former employees**

34 An agency may pay or grant an award under this chapter notwith-
35 standing the death or separation from the service of the employee
36 concerned, if the suggestion, invention, superior accomplishment, other
37 personal effort, or special act or service in the public interest for which
38 the award is proposed was made or performed while the employee
39 was in the employ of the Government.

§ 4506. Regulations

The Civil Service Commission may prescribe regulations and instructions under which the agency awards program set forth by this chapter shall be carried out.

SUBPART D—PAY AND ALLOWANCES

CHAPTER 51—CLASSIFICATION

Sec.

5101. Purpose.

5102. Definitions; application.

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5104. Basis for grading positions.

5105. Standards for classification of positions.

5106. Basis for classifying positions.

5107. Classification of positions.

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5114. Reports; positions in GS-16, 17, and 18.

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§ 5101. Purpose

It is the purpose of this chapter to provide a plan for classification of positions whereby—

(1) in determining the rate of basic pay which an employee will receive—

(A) the principle of equal pay for substantially equal work will be followed; and

(B) variations in rates of basic pay paid to different employees will be in proportion to substantial differences in the difficulty, responsibility, and qualification requirements of the work performed and to the contributions of employees to efficiency and economy in the service; and

(2) individual positions will, in accordance with their duties, responsibilities, and qualification requirements, be so grouped and identified by classes and grades, as defined by section 5102 of this title, and the various classes will be so described in published standards, as provided by section 5105 of this title, that the resulting position-classification system can be used in all phases of personnel administration.

§ 5102. Definitions; application

(a) For the purpose of this chapter—

(1) “agency” means—

(A) an Executive agency;

1 (B) the Administrative Office of the United States
2 Courts;

3 (C) the Library of Congress;

4 (D) the Botanic Garden;

5 (E) the Government Printing Office;

6 (F) the Office of the Architect of the Capitol; and

7 (G) the government of the District of Columbia;

8 but does not include—

9 (i) a Government controlled corporation;

10 (ii) the Tennessee Valley Authority;

11 (iii) The Alaska Railroad;

12 (iv) the Virgin Islands Corporation;

13 (v) the Atomic Energy Commission;

14 (vi) the Central Intelligence Agency;

15 (vii) the Panama Canal Company; or

16 (viii) the National Security Agency, Department of
17 Defense;

18 (2) “employee” means an individual employed in or under an
19 agency;

20 (3) “position” means the work, consisting of the duties and
21 responsibilities, assignable to an employee;

22 (4) “class” or “class of positions” includes all positions which
23 are sufficiently similar, as to—

24 (A) kind or subject-matter of work;

25 (B) level of difficulty and responsibility; and

26 (C) the qualification requirements of the work;

27 to warrant similar treatment in personnel and pay administra-
28 tion; and

29 (5) “grade” includes all classes of positions which, although
30 different with respect to kind or subject-matter of work, are suf-
31 ficiently equivalent as to—

32 (A) level of difficulty and responsibility; and

33 (B) level of qualification requirements of the work;

34 to warrant their inclusion within one range of rates of basic
35 pay in the General Schedule.

36 (b) Except as provided by subsections (c) and (d) of this section,
37 this chapter applies to all civilian positions and employees in or
38 under an agency.

39 (c) This chapter does not apply to—

40 (1) employees in the postal field service whose pay is fixed
41 under chapter 45 of title 39;

(2) employees in the Foreign Service, Department of State, whose pay is fixed under chapter 14 of title 22; and positions in or under the Department of State which are—

(A) connected with the representation of the United States to international organizations; or

(B) specifically exempted by statute from this chapter or other classification or pay statute;

(3) physicians, dentists, nurses, and other employees in the Department of Medicine and Surgery, Veterans' Administration, whose pay is fixed under chapter 73 of title 38;

(4) teachers, school officials, and employees of the Board of Education of the District of Columbia, whose pay is fixed under chapter 15 of title 31, District of Columbia Code; and the chief judge and the associate judges of the District of Columbia Court of General Sessions, the District of Columbia Court of Appeals, and the Juvenile Court of the District of Columbia;

(5) members of the Metropolitan Police, the Fire Department of the District of Columbia, the United States Park Police, and the White House Police;

(6) lighthouse keepers and civilian employees on lightships and vessels of the Coast Guard, whose pay is fixed under section 432(f) and (g) of title 14;

(7) employees in recognized trades or crafts, or other skilled mechanical crafts, or in unskilled, semiskilled, or skilled manual-labor occupations, and other employees including foremen and supervisors in positions having trade, craft, or laboring experience and knowledge as the paramount requirement, and employees in the Bureau of Engraving and Printing whose duties are to perform or to direct manual or machine operations requiring special skill or experience, or to perform or direct the counting, examining, sorting, or other verification of the product of manual or machine operations;

(8) officers and members of crews of vessels;

(9) employees of the Government Printing Office whose pay is fixed under section 40 of title 44;

(10) civilian professors, lecturers, and instructors at the Naval War College and the Naval Academy whose pay is fixed under sections 6952 and 7478 of title 10; senior professors, professors, associate and assistant professors, and instructors at the Naval Postgraduate School whose pay is fixed under section 7044 of title 10; and the Academic Dean of the Postgraduate School of the

1 Naval Academy whose pay is fixed under section 7043 of title 10;

2 (11) aliens or noncitizens of the United States who occupy
3 positions outside the United States;

4 (12) (A) employees of an agency who are stationed in the
5 Canal Zone; and

6 (B) on approval by the Civil Service Commission of the request
7 of an agency which has employees stationed in both the Republic
8 of Panama and the Canal Zone, employees of the agency who are
9 stationed in the Republic of Panama;

10 (13) employees who serve without pay or at nominal rates of
11 pay;

12 (14) employees whose pay is not wholly from appropriated
13 funds of the United States, except that with respect to the Vet-
14 erans' Canteen Service, Veterans' Administration, this paragraph
15 applies only to employees necessary for the transaction of the busi-
16 ness of the Service at canteens, warehouses, and storage depots
17 whose employment is authorized by section 4202 of title 38;

18 (15) employees whose pay is fixed under a cooperative agree-
19 ment between the United States and—

20 (A) a State or territory or possession of the United States,
21 or political subdivision thereof; or

22 (B) an individual or organization outside the service of
23 the Government of the United States;

24 (16) student nurses, medical or dental interns, residents-in-
25 training, student dietitians, student physical therapists, student
26 occupational therapists, and other student employees, assigned or
27 attached to a hospital, clinic, or laboratory primarily for train-
28 ing purposes, whose pay is fixed under subchapter V of chapter
29 53 of this title or section 4114 of title 38;

30 (17) inmates, patients, or beneficiaries receiving care or treat-
31 ment or living in Government agencies or institutions;

32 (18) experts or consultants, when employed temporarily or
33 intermittently in accordance with section 3109 of this title;

34 (19) emergency or seasonal employees whose employment is of
35 uncertain or purely temporary duration, or who are employed for
36 brief periods at intervals;

37 (20) employees employed on a fee, contract, or piece work
38 basis;

39 (21) employees who may lawfully perform their duties con-
40 currently with their private profession, business, or other employ-

ment, and whose duties require only a portion of their time, when it is impracticable to ascertain or anticipate the proportion of time devoted to the service of the Government of the United States;

(22) "teachers" and "teaching positions" as defined by section 901 of title 20;

(23) examiners-in-chief and designated examiners-in-chief in the Patent Office, Department of Commerce;

(24) temporary positions in the Bureau of the Census established under section 23 of title 13, and enumerator positions in the Bureau of the Census; or

(25) positions for which rates of basic pay are individually fixed, or expressly authorized to be fixed, by other statute, at or in excess of the maximum rate for GS-18.

(d) This chapter does not apply to an employee of the Office of the Architect of the Capitol whose pay is fixed by other statute. Subsection (c) of this section, except paragraph (7), does not apply to the Office of the Architect of the Capitol.

§ 5103. Determination of applicability

The Civil Service Commission shall determine finally the applicability of section 5102 of this title to specific positions and employees, except for positions and employees in the Office of the Architect of the Capitol.

§ 5104. Basis for grading positions

The General Schedule, the symbol for which is "GS", is the basic pay schedule for positions to which this chapter applies. The General Schedule is divided into 18 grades of difficulty and responsibility of work, as follows:

(1) Grade GS-1 includes those classes of positions the duties of which are to perform, under immediate supervision, with little or no latitude for the exercise of independent judgment—

(A) the simplest routine work in office, business, or fiscal operations; or

(B) elementary work of a subordinate technical character in a professional, scientific, or technical field.

(2) Grade GS-2 includes those classes of positions the duties of which are—

(A) to perform, under immediate supervision, with limited latitude for the exercise of independent judgment, routine work in office, business, or fiscal operations, or com-

parable subordinate technical work of limited scope in a professional, scientific, or technical field, requiring some training or experience; or

(B) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(3) Grade GS-3 includes those classes of positions the duties of which are—

(A) to perform, under immediate or general supervision, somewhat difficult and responsible work in office, business, or fiscal operations, or comparable subordinate technical work of limited scope in a professional, scientific, or technical field, requiring in either case—

(i) some training or experience;

(ii) working knowledge of a special subject matter; or

(iii) to some extent the exercise of independent judgment in accordance with well-established policies, procedures, and techniques; or

(B) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(4) Grade GS-4 includes those classes of positions the duties of which are—

(A) to perform, under immediate or general supervision, moderately difficult and responsible work in office, business, or fiscal operations, or comparable subordinate technical work in a professional, scientific, or technical field, requiring in either case—

(i) a moderate amount of training and minor supervisory or other experience;

(ii) good working knowledge of a special subject matter or a limited field of office, laboratory, engineering, scientific, or other procedure and practice; and

(iii) the exercise of independent judgment in accordance with well-established policies, procedures, and techniques; or

(B) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(5) Grade GS-5 includes those classes of positions the duties of which are—

(A) to perform, under general supervision, difficult and responsible work in office, business, or fiscal administration, or

comparable subordinate technical work in a professional, scientific, or technical field, requiring in either case—

(i) considerable training and supervisory or other experience;

(ii) broad working knowledge of a special subject matter or of office, laboratory, engineering, scientific, or other procedure and practice; and

(iii) the exercise of independent judgment in a limited field;

(B) to perform, under immediate supervision, and with little opportunity for the exercise of independent judgment, simple and elementary work requiring professional, scientific, or technical training; or

(C) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(6) Grade GS-6 includes those classes of positions the duties of which are—

(A) to perform, under general supervision, difficult and responsible work in office, business, or fiscal administration, or comparable subordinate technical work in a professional, scientific, or technical field, requiring in either case—

(i) considerable training and supervisory or other experience;

(ii) broad working knowledge of a special and complex subject matter, procedure, or practice, or of the principles of the profession, art, or science involved; and

(iii) to a considerable extent the exercise of independent judgment; or

(B) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(7) Grade GS-7 includes those classes of positions the duties of which are—

(A) to perform, under general supervision, work of considerable difficulty and responsibility along special technical or supervisory lines in office, business, or fiscal administration, or comparable subordinate technical work in a professional, scientific, or technical field, requiring in either case—

(i) considerable specialized or supervisory training and experience;

(ii) comprehensive working knowledge of a special

1 and complex subject matter, procedure, or practice, or
 2 of the principles of the profession, art, or science in-
 3 volved; and

4 (iii) to a considerable extent the exercise of independ-
 5 ent judgment;

6 (B) under immediate or general supervision, to perform
 7 somewhat difficult work requiring—

8 (i) professional, scientific, or technical training; and

9 (ii) to a limited extent, the exercise of independent
 10 technical judgment; or

11 (C) to perform other work of equal importance, difficulty,
 12 and responsibility, and requiring comparable qualifications.

13 (8) Grade GS-8 includes those classes of positions the duties
 14 of which are—

15 (A) to perform, under general supervision, very difficult
 16 and responsible work along special technical or supervisory
 17 lines in office, business, or fiscal administration, requiring—

18 (i) considerable specialized or supervisory training
 19 and experience;

20 (ii) comprehensive and thorough working knowledge
 21 of a specialized and complex subject matter, procedure,
 22 or practice, or of the principles of the profession, art, or
 23 science involved; and

24 (iii) to a considerable extent the exercise of independ-
 25 ent judgment; or

26 (B) to perform other work of equal importance, difficulty,
 27 and responsibility, and requiring comparable qualifications.

28 (9) Grade GS-9 includes those classes of positions the duties
 29 of which are—

30 (A) to perform, under general supervision, very difficult
 31 and responsible work along special technical, supervisory,
 32 or administrative lines in office, business, or fiscal admin-
 33 istration, requiring—

34 (i) somewhat extended specialized training and con-
 35 siderable specialized, supervisory, or administrative ex-
 36 perience which has demonstrated capacity for sound
 37 independent work;

38 (ii) thorough and fundamental knowledge of a special
 39 and complex subject matter, or of the profession, art,
 40 or science involved; and

(iii) considerable latitude for the exercise of independent judgment;

(B) with considerable latitude for the exercise of independent judgment, to perform moderately difficult and responsible work, requiring—

(i) professional, scientific, or technical training equivalent to that represented by graduation from a college or university of recognized standing; and

(ii) considerable additional professional, scientific, or technical training or experience which has demonstrated capacity for sound independent work; or

(C) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(10) Grade GS-10 includes those classes of positions the duties of which are—

(A) to perform, under general supervision, highly difficult and responsible work along special technical, supervisory, or administrative lines in office, business, or fiscal administration, requiring—

(i) somewhat extended specialized, supervisory, or administrative training and experience which has demonstrated capacity for sound independent work;

(ii) thorough and fundamental knowledge of a specialized and complex subject matter, or of the profession, art, or science involved; and

(iii) considerable latitude for the exercise of independent judgment; or

(B) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(11) Grade GS-11 includes those classes of positions the duties of which are—

(A) to perform, under general administrative supervision and with wide latitude for the exercise of independent judgment, work of marked difficulty and responsibility along special technical, supervisory, or administrative lines in office, business, or fiscal administration, requiring—

(i) extended specialized, supervisory, or administrative training and experience which has demonstrated important attainments and marked capacity for sound independent action or decision; and

1 (ii) intimate grasp of a specialized and complex sub-
 2 ject matter, or of the profession, art, or science involved,
 3 or of administrative work of marked difficulty;

4 (B) with wide latitude for the exercise of independent
 5 judgment, to perform responsible work of considerable diffi-
 6 culty requiring somewhat extended professional, scientific, or
 7 technical training and experience which has demonstrated
 8 important attainments and marked capacity for independent
 9 work; or

10 (C) to perform other work of equal importance, difficulty,
 11 and responsibility, and requiring comparable qualifications.

12 (12) Grade GS-12 includes those classes of positions the duties
 13 of which are—

14 (A) to perform, under general administrative supervi-
 15 sion, with wide latitude for the exercise of independent judg-
 16 ment, work of a very high order of difficulty and respon-
 17 sibility along special technical, supervisory, or administrative
 18 lines in office, business, or fiscal administration, requiring—

19 (i) extended specialized, supervisory, or administra-
 20 tive training and experience which has demonstrated
 21 leadership and attainments of a high order in specialized
 22 or administrative work; and

23 (ii) intimate grasp of a specialized and complex sub-
 24 ject matter or of the profession, art, or science involved;

25 (B) under general administrative supervision, and with
 26 wide latitude for the exercise of independent judgment, to
 27 perform professional, scientific, or technical work of marked
 28 difficulty and responsibility requiring extended professional,
 29 scientific, or technical training and experience which has
 30 demonstrated leadership and attainments of a high order in
 31 professional, scientific, or technical research, practice, or ad-
 32 ministration; or

33 (C) to perform other work of equal importance, difficulty,
 34 and responsibility, and requiring comparable qualifications.

35 (13) Grade GS-13 includes those classes of positions the duties
 36 of which are—

37 (A) to perform, under administrative direction, with wide
 38 latitude for the exercise of independent judgment, work of
 39 unusual difficulty and responsibility along special technical,
 40 supervisory, or administrative lines, requiring extended spe-
 41 cialized, supervisory, or administrative training and experi-

ence which has demonstrated leadership and marked attainments;

(B) to serve as assistant head of a major organization involving work of comparable level within a bureau;

(C) to perform, under administrative direction, with wide latitude for the exercise of independent judgment, work of unusual difficulty and responsibility requiring extended professional, scientific, or technical training and experience which has demonstrated leadership and marked attainments in professional, scientific, or technical research, practice, or administration; or

(D) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(14) Grade GS-14 includes those classes of positions the duties of which are—

(A) to perform, under general administrative direction, with wide latitude for the exercise of independent judgment, work of exceptional difficulty and responsibility along special technical, supervisory, or administrative lines which has demonstrated leadership and unusual attainments;

(B) to serve as head of a major organization within a bureau involving work of comparable level;

(C) to plan and direct or to plan and execute major professional, scientific, technical, administrative, fiscal, or other specialized programs, requiring extended training and experience which has demonstrated leadership and unusual attainments in professional, scientific, or technical research, practice, or administration, or in administrative, fiscal, or other specialized activities; or

(D) to perform consulting or other professional, scientific, technical, administrative, fiscal, or other specialized work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(15) Grade GS-15 includes those classes of positions the duties of which are—

(A) to perform, under general administrative direction, with very wide latitude for the exercise of independent judgment, work of outstanding difficulty and responsibility along special technical, supervisory, or administrative lines which has demonstrated leadership and exceptional attainments;

1 (B) to serve as head of a major organization within a
2 bureau involving work of comparable level;

3 (C) to plan and direct or to plan and execute specialized
4 programs of marked difficulty, responsibility, and national
5 significance, along professional, scientific, technical, admin-
6 istrative, fiscal, or other lines, requiring extended training
7 and experience which has demonstrated leadership and un-
8 usual attainments in professional, scientific, or technical re-
9 search, practice, or administration, or in administrative,
10 fiscal, or other specialized activities; or

11 (D) to perform consulting or other professional, scientific,
12 technical, administrative, fiscal, or other specialized work of
13 equal importance, difficulty, and responsibility, and requiring
14 comparable qualifications.

15 (16) Grade GS-16 includes those classes of positions the
16 duties of which are—

17 (A) to perform, under general administrative direction,
18 with unusual latitude for the exercise of independent judg-
19 ment, work of outstanding difficulty and responsibility along
20 special technical, supervisory, or administrative lines which
21 has demonstrated leadership and exceptional attainments;

22 (B) to serve as the head of a major organization involving
23 work of comparable level;

24 (C) to plan and direct or to plan and execute professional,
25 scientific, technical, administrative, fiscal, or other specialized
26 programs of unusual difficulty, responsibility, and national
27 significance, requiring extended training and experience
28 which has demonstrated leadership and exceptional attain-
29 ments in professional, scientific, or technical research, prac-
30 tice, or administration, or in administrative, fiscal, or other
31 specialized activities; or

32 (D) to perform consulting or other professional, scientific,
33 technical, administrative, fiscal, or other specialized work of
34 equal importance, difficulty, and responsibility, and requir-
35 ing comparable qualifications.

36 (17) Grade GS-17 includes those classes of positions the duties
37 of which are—

38 (A) to serve as the head of a bureau where the position,
39 considering the kind and extent of the authorities and re-
40 sponsibilities vested in it, and the scope, complexity, and de-
41 gree of difficulty of the activities carried on, is of a high

order among the whole group of positions of heads of
bureaus;

(B) to plan and direct or to plan and execute professional, scientific, technical, administrative, fiscal, or other specialized programs of exceptional difficulty, responsibility, and national significance, requiring extended training and experience which has demonstrated exceptional leadership and attainments in professional, scientific, or technical research, practice, or administration, or in administrative, fiscal, or other specialized activities; or

(C) to perform consulting or other professional, scientific, technical, administrative, fiscal, or other specialized work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(18) Grade GS-18 includes those classes of positions the duties of which are—

(A) to serve as the head of a bureau where the position, considering the kind and extent of the authorities and responsibilities vested in it, and the scope, complexity, and degree of difficulty of the activities carried on, is exceptional and outstanding among the whole group of positions of heads of bureaus;

(B) to plan and direct or to plan and execute frontier or unprecedented professional, scientific, technical, administrative, fiscal, or other specialized programs of outstanding difficulty, responsibility, and national significance, requiring extended training and experience which has demonstrated outstanding leadership and attainments in professional, scientific, or technical research, practice, or administration, or in administrative, fiscal, or other specialized activities; or

(C) to perform consulting or other professional, scientific, technical, administrative, fiscal, or other specialized work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

§ 5105. Standards for classification of positions

(a) The Civil Service Commission, after consulting the agencies, shall prepare standards for placing positions in their proper classes and grades. The Commission may make such inquiries or investigations of the duties, responsibilities, and qualification requirements of positions as it considers necessary for this purpose. The agencies, on request of the Commission, shall furnish information for and cooper-

1 ate in the preparation of the standards. In the standards, which shall
2 be published in such form as the Commission may determine, the Com-
3 mission shall—

- 4 (1) define the various classes of positions in terms of duties,
5 responsibilities, and qualification requirements;
- 6 (2) establish the official class titles; and
- 7 (3) set forth the grades in which the classes have been placed
8 by the Commission.

9 (b) The Commission, after consulting the agencies to the extent
10 considered necessary, shall revise, supplement, or abolish existing
11 standards, or prepare new standards, so that, as nearly as may be
12 practicable, positions existing at any given time will be covered by
13 current published standards.

14 (c) The official class titles established under subsection (a) (2) of
15 this section shall be used for personnel, budget, and fiscal purposes.
16 However, this requirement does not prevent the use of organizational
17 or other titles for internal administration, public convenience, law
18 enforcement, or similar purposes.

19 **§ 5106. Basis for classifying positions**

20 (a) Each position shall be placed in its appropriate class. The
21 basis for determining the appropriate class is the duties and responsi-
22 bilities of the position and the qualifications required by the duties and
23 responsibilities.

24 (b) Each class shall be placed in its appropriate grade. The basis
25 for determining the appropriate grade is the level of difficulty, respon-
26 sibility, and qualification requirements of the work of the class.

27 (c) Appropriated funds may not be used to pay an employee who
28 places a supervisory position in a class and grade solely on the basis of
29 the size of the organization unit or the number of subordinates super-
30 vised. These factors may be given effect only to the extent war-
31 ranted by the work load of the organization unit and then only in
32 combination with other factors, such as the kind, difficulty, and com-
33 plexity of work supervised, the degree and scope of responsibility
34 delegated to the supervisor, and the kind, degree, and character of
35 the supervision exercised.

36 **§ 5107. Classification of positions**

37 Except as otherwise provided by this chapter, each agency shall
38 place each position under its jurisdiction in its appropriate class and
39 grade in conformance with standards published by the Civil Service
40 Commission or, if no published standards apply directly, consistently

with published standards. When facts warrant, an agency may change a position which it has placed in a class or grade under this section from that class or grade to another class or grade. Subject to section 5337 of this title, these actions of an agency are the basis for pay and personnel transactions until changed by certificate of the Commission.

§ 5108. Classification of positions at GS-16, 17, and 18

(a) A majority of the Civil Service Commissioners may establish, and from time to time revise, the maximum numbers of positions (not to exceed an aggregate of 2,400, in addition to any professional engineering positions primarily concerned with research and development and professional positions in the physical and natural sciences and medicine which may be placed in these grades, and in addition to 240 hearing examiner positions under section 3105 of this title which may be placed in GS-16 and 9 such positions which may be placed in GS-17) which may be placed in GS-16, 17, and 18 at any one time. However, under this authority—

(1) not to exceed 25 percent of the aggregate number may be placed in GS-17 and not to exceed 12 percent of the aggregate number may be placed in GS-18;

(2) 50 of the positions are available only for allocation, with the approval of the President, for an agency or function created after October 4, 1961;

(3) 14 of the positions are available only for allocation to the United States Arms Control and Disarmament Agency;

(4) 6 of the positions are available only for allocation to the Immigration and Naturalization Service, Department of Justice; and

(5) 4 of the positions are available only for allocation to the Federal Home Loan Bank Board.

A position may be placed in GS-16, 17, or 18 only by action of, or after prior approval by, a majority of the Civil Service Commissioners.

(b) The number of positions of senior specialists in the Legislative Reference Service, Library of Congress, placed in GS-16, 17, and 18 under the proviso in section 166(b)(1) of title 2 are in addition to the number of positions authorized by subsection (a) of this section.

(c) In addition to the number of positions authorized by subsection (a) of this section—

(1) the Comptroller General of the United States, subject to the procedures prescribed by this section, may place a total of 39

1 positions in the General Accounting Office in GS-16, 17, and 18;

2 (2) the Director of the Federal Bureau of Investigation, with-
3 out regard to any other provision of this section, may place a total
4 of 75 positions in the Federal Bureau of Investigation in GS-16,
5 17, and 18;

6 (3) the Director of the Administrative Office of the United
7 States Courts may place a total of 4 positions in GS-17;

8 (4) the Commissioner of Immigration and Naturalization
9 may place a total of 11 positions in GS-17;

10 (5) the Secretary of Defense, subject to the standards and
11 procedures prescribed by this chapter, may place a total of 402
12 positions (in addition to any professional engineering positions
13 primarily concerned with research and development and profes-
14 sional engineering positions in the physical and natural sciences
15 which may be placed in these grades) in the Department of De-
16 fense in GS-16, 17, and 18;

17 (6) the Administrator of the National Aeronautics and Space
18 Administration, subject to the standards and procedures pre-
19 scribed by this chapter, may place a total of 5 positions in the
20 National Aeronautics and Space Administration in GS-16, 17,
21 and 18;

22 (7) the Attorney General, without regard to any other pro-
23 vision of this section, may place a total of—

24 (A) 10 positions of Warden in the Bureau of Prisons in
25 GS-16; and

26 (B) 8 positions of Member of the Board of Parole in
27 GS-17;

28 (8) the Attorney General, without regard to this chapter (ex-
29 cept section 5114), may place 1 position in GS-16; and

30 (9) the Railroad Retirement Board may place 4 positions in
31 GS-16, 4 in GS-17, and 1 in GS-18, for the purpose of its admin-
32 istration of chapter 9 or 11 of title 45, or both.

33 (d) When a general appropriation statute authorizes an agency
34 to place additional positions in GS-16, 17, and 18, the total number
35 of positions authorized to be placed in these grades by this section
36 (except subsection (c)(8) and (9)) is reduced by the number of
37 positions authorized by the appropriation statute, unless otherwise
38 specifically provided. The reduction is made in the following order—

39 first, from any number specifically authorized for the agency
40 by this section (except subsection (c)(8) and (9)); and

41 second, from the maximum number of positions authorized

by subsection (a) of this section irrespective of the agency to which the positions are allocated.

§ 5109. Positions classified by statute

(a) The position held by an employee of the Department of Agriculture while he, under section 450d of title 7, is designated and vested with a delegated regulatory function or part thereof shall be classified in accordance with this chapter, but not lower than GS-14.

(b) The position held by the employee appointed under section 1104(a) (2) of this title to have such functions and duties with respect to retirement, life insurance, and health benefits programs as the Civil Service Commission may prescribe is classified at GS-18, and is in addition to the number of positions authorized by section 5108(a) of this title.

(c) Each of the following positions on the police force authorized for the National Zoological Park by section 193n of title 40 is classified as follows:

(1) Private—GS-5.

(2) Sergeant—GS-6.

(3) Lieutenant—GS-7.

(4) Captain—GS-8.

§ 5110. Review of classification of positions

(a) The Civil Service Commission, from time to time, shall review such number of positions in each agency as will enable the Commission to determine whether the agency is placing positions in classes and grades in conformance with or consistently with published standards.

(b) When the Commission finds under subsection (a) of this section that a position is not placed in its proper class and grade in conformance with published standards or that a position for which there is no published standard is not placed in the class and grade consistently with published standards, it shall, after consultation with appropriate officials of the agency concerned, place the position in its appropriate class and grade and shall certify this action to the agency. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.

§ 5111. Revocation and restoration of authority to classify positions

(a) When the Civil Service Commission finds that an agency is not placing positions in classes and grades in conformance with or consistently with published standards, it may revoke or suspend the

1 authority granted to the agency by section 5107 of this title and require
 2 that prior approval of the Commission be secured before an action
 3 placing a position in a class and grade becomes effective for payroll and
 4 other personnel purposes. The Commission may limit the revocation
 5 or suspension to—

- 6 (1) the departmental or field service, or any part thereof;
- 7 (2) a geographic area;
- 8 (3) an organization unit or group of organization units;
- 9 (4) certain types of classification actions;
- 10 (5) classes in particular occupational groups or grades; or
- 11 (6) classes for which standards have not been published.

12 (b) After revocation or suspension, the Commission may restore
 13 the authority to the extent that it is satisfied that later actions placing
 14 positions in classes and grades will be in conformance with or con-
 15 sistent with published standards.

16 § 5112. General authority of the Civil Service Commission

17 (a) Notwithstanding section 5107 of this title, the Civil Service
 18 Commission may—

- 19 (1) ascertain currently the facts as to the duties, responsibili-
 20 ties, and qualification requirements of a position;
- 21 (2) place in an appropriate class and grade a newly created
 22 position or a position coming initially under this chapter;
- 23 (3) decide whether a position is in its appropriate class and
 24 grade; and
- 25 (4) change a position from one class or grade to another class
 26 or grade when the facts warrant.

27 The Commission shall certify to the agency concerned its action under
 28 paragraph (2) or (4) of this subsection. The agency shall act in
 29 accordance with the certificate, and the certificate is binding on all
 30 administrative, certifying, payroll, disbursing, and accounting officials.

31 (b) An employee affected or an agency may request at any time that
 32 the Commission exercise the authority granted to it by subsection (a)
 33 of this section and the Commission shall act on the request.

34 § 5113. Classification records

35 The Civil Service Commission may—

- 36 (1) prescribe the form in which each agency shall record the
 37 duties and responsibilities of positions and the places where these
 38 records shall be maintained;
- 39 (2) examine these or other pertinent records of the agency; and
- 40 (3) interview employees of the agency who have knowledge of
 41 the duties and responsibilities of positions and information as to

the reasons for placing a position in a class or grade.

§ 5114. Reports; positions in GS-16, 17, and 18

(a) The Civil Service Commission, with respect to positions under section 5108(a) of this title, the head of the agency concerned, with respect to positions under sections 5108 (b), (c) and 5109(b) of this title, and the appropriate authority, with respect to positions under jurisdiction of the authority which are allocated to or placed in GS-16, 17, and 18, including positions so allocated or placed on a temporary or present incumbency basis, under reorganization plan or statute, except sections 5108 and 5109 of this title, shall submit, so long as the reorganization plan or statute remains in effect, to Congress, not later than February 1 of each year, a report setting forth—

(1) the total number of positions allocated to or placed in all these grades during the immediately preceding calendar year, the total number of positions allocated to or placed in each of these grades during the immediately preceding calendar year, and the total number of these positions in existence during the immediately preceding calendar year and the grades to or in which the total number of positions in existence are allocated or placed;

(2) the name, rate of pay, and description of the qualifications of the incumbent of each of these positions, together with the position title and a statement of the duties and responsibilities performed by the incumbent;

(3) the position or positions in or outside the Government of the United States held by each of these incumbents, and his rate or rates of pay, during the 5-year period immediately preceding the date of his appointment to the position; and

(4) such other information as the Commission, the head of the agency, or other appropriate authority submitting the report may consider appropriate or as may be required by Congress or a committee thereof.

This subsection does not require the resubmission of information required by paragraphs (2) and (3) of this subsection which has been reported under this subsection and which remains unchanged.

(b) When the Commission, the head of the agency, or other appropriate authority considers full public disclosure of any or all of the items specified by subsection (a) of this section to be detrimental to the national security, the Commission, the head of the agency, or authority may—

(1) omit from the annual report those items with respect to

1 which full public disclosure is found to be detrimental to the
2 national security;

3 (2) inform Congress of the omission; and

4 (3) at the request of the Congressional committee to which the
5 report is referred, present all information concerning those items.

6 **§ 5115. Regulations**

7 The Civil Service Commission may prescribe regulations necessary
8 for the administration of this chapter, except sections 5109 and 5114.

9 **CHAPTER 53—PAY RATES AND SYSTEMS**

10 **SUBCHAPTER I—PAY COMPARABILITY SYSTEM**

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11 **SUBCHAPTER II—EXECUTIVE SCHEDULE PAY RATES**

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5352. Stipends.

5353. Quarters, subsistence, and laundry.

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5355. Effect on other statutes.

5356. Appropriations.

15 **SUBCHAPTER VI—MISCELLANEOUS PROVISIONS**

Sec.

5361. Scientific and professional positions.

5362. Hearing examiners.

5363. Limitation on pay fixed by administrative action.

5364. Miscellaneous positions in the executive branch.

SUBCHAPTER I—PAY COMPARABILITY SYSTEM

§ 5301. Policy.

It is the policy of Congress that Federal pay fixing be based on the principles that—

(1) there be equal pay for substantially equal work, and pay distinctions be maintained in keeping with work and performance distinctions; and

(2) Federal pay rates be comparable with private enterprise pay rates for the same levels of work.

Pay levels for the several Federal statutory pay systems shall be inter-related, and pay levels shall be set and adjusted in accordance with these principles.

§ 5302. Annual reports on pay comparability

In order to carry out the policy stated by section 5301 of this title, the President shall—

(1) direct such agency as he considers appropriate, to prepare and submit to him annually a report which compares the rates of pay fixed by statute for employees with the rates of pay paid for the same levels of work in private enterprise as determined on the basis of appropriate annual surveys conducted by the Bureau of Labor Statistics; and

(2) after seeking the views of such employee organizations as he considers appropriate and in such manner as he may provide, report annually to Congress—

(A) this comparison of Federal and private enterprise pay rates; and

(B) such recommendations for revision of statutory pay schedules, pay structures, and pay policy, as he considers advisable.

§ 5303. Higher minimum rates; Presidential authority

(a) When the President finds that the pay rates in private enterprise for one or more occupations in one or more areas or locations are so substantially above the pay rates of statutory pay schedules as to handicap significantly the Government's recruitment or retention of well-qualified individuals in positions paid under—

(1) section 5332 of this title;

(2) the provisions of part III of title 39 relating to employees in the postal field service;

(3) the pay scales for physicians, dentists, and nurses in the Department of Medicine and Surgery, Veterans' Administration, under chapter 73 of title 38; or

1 (4) sections 867 and 870 of title 22;
 2 he may establish for the areas or locations higher minimum rates
 3 of basic pay for one or more grades or levels, occupational groups,
 4 series, classes, or subdivisions thereof, and may make corresponding
 5 increases in all step rates of the pay range for each such grade or
 6 level. However, a minimum rate so established may not exceed the
 7 seventh pay rate prescribed by statute for the grade or level. The
 8 President may authorize the exercise of the authority conferred on
 9 him by this section by the Civil Service Commission or, in the case
 10 of individuals not subject to the provisions of this title governing
 11 appointment in the competitive service, by such other agency as he
 12 may designate.

13 (b) Within the limitations of subsection (a) of this section, rates
 14 of basic pay established under that subsection may be revised from
 15 time to time by the President or by such agency as he may designate.
 16 The actions and revisions have the force and effect of statute.

17 (c) An increase in rate of basic pay established under this section
 18 is not an equivalent increase in pay within the meaning of section
 19 5335 of this title and section 3552 of title 39.

20 (d) The rate of basic pay, established under this section, and re-
 21 ceived by an individual immediately before the effective date of a
 22 statutory increase in the pay schedules of the pay systems specified in
 23 subsection (a) of this section shall be initially adjusted on the effective
 24 date of the new pay schedules under conversion regulations prescribed
 25 by the President or by such agency as he may designate.

26 **§ 5304. Presidential policies and regulations**

27 The functions, duties, and regulations of the agencies and the Civil
 28 Service Commission with respect to this subchapter, subchapter III of
 29 this chapter, chapter 51 of this title, the provisions of part III of title
 30 39 relating to employees in the postal field service, chapter 14 of title
 31 22, and the provisions of chapter 73 of title 38 relating to employees in
 32 the Department of Medicine and Surgery, Veterans' Administration,
 33 are subject to such policies and regulations as the President may pre-
 34 scribe. Among other things, the policies and regulations of the Presi-
 35 dent may provide for—

- 36 (1) preparing and reporting to him the annual comparison of
- 37 Federal pay rates with private enterprise rates;
- 38 (2) obtaining and reporting to him the views of employee
- 39 organizations on the annual comparison, and on other pay matters;
- 40 (3) reviewing and reporting to him on the adequacy of the

Federal statutory pay structures for the Federal programs to which they apply;

(4) reviewing the relationship of Federal statutory pay rates and private enterprise pay rates in specific occupation and local areas; and

(5) providing step-increases in recognition of high quality performance and providing for properly relating supervisory pay rates paid under one system to those of subordinates paid under another system.

SUBCHAPTER II—EXECUTIVE SCHEDULE PAY RATES

§ 5311. The Executive Schedule

The Executive Schedule, which is divided into five pay levels, is the basic pay schedule for positions to which this subchapter applies.

§ 5312. Positions at level I

Level I of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is \$35,000:

- (1) Secretary of State.
- (2) Secretary of the Treasury.
- (3) Secretary of Defense.
- (4) Attorney General.
- (5) Postmaster General.
- (6) Secretary of the Interior.
- (7) Secretary of Agriculture.
- (8) Secretary of Commerce.
- (9) Secretary of Labor.
- (10) Secretary of Health, Education, and Welfare.

§ 5313. Positions at level II

Level II of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is \$30,000:

- (1) Deputy Secretary of Defense.
- (2) Under Secretary of State.
- (3) Administrator, Agency for International Development.
- (4) Administrator of the National Aeronautics and Space Administration.
- (5) Administrator of Veterans' Affairs.
- (6) Administrator of the Housing and Home Finance Agency.
- (7) Administrator of the Federal Aviation Agency.
- (8) Chairman, Atomic Energy Commission.
- (9) Chairman, Council of Economic Advisers.
- (10) Chairman, Board of Governors of the Federal Reserve System.

- 1 (11) Director of the Bureau of the Budget.
- 2 (12) Director of the Office of Science and Technology.
- 3 (13) Director of the United States Arms Control and Dis-
- 4 armament Agency.
- 5 (14) Director of the United States Information Agency.
- 6 (15) Director of Central Intelligence.
- 7 (16) Secretary of the Air Force.
- 8 (17) Secretary of the Army.
- 9 (18) Secretary of the Navy.

10 § 5314. Positions at level III

11 Level III of the Executive Schedule applies to the following posi-
 12 tions, for which the annual rate of basic pay is \$28,500:

- 13 (1) Deputy Attorney General.
- 14 (2) Solicitor General of the United States.
- 15 (3) Deputy Postmaster General.
- 16 (4) Under Secretary of Agriculture.
- 17 (5) Under Secretary of Commerce.
- 18 (6) Under Secretary of Commerce for Transportation.
- 19 (7) Under Secretary of Health, Education, and Welfare.
- 20 (8) Under Secretary of the Interior.
- 21 (9) Under Secretary of Labor.
- 22 (10) Under Secretary of State for Political Affairs or Under
- 23 Secretary of State for Economic Affairs.
- 24 (11) Under Secretary of the Treasury.
- 25 (12) Under Secretary of the Treasury for Monetary Affairs.
- 26 (13) Administrator of General Services.
- 27 (14) Administrator of the Small Business Administration.
- 28 (15) Deputy Administrator of Veterans' Affairs.
- 29 (16) Deputy Administrator, Agency for International Devel-
- 30 opment.
- 31 (17) Chairman, Civil Aeronautics Board.
- 32 (18) Chairman of the United States Civil Service Commission.
- 33 (19) Chairman, Federal Communications Commission.
- 34 (20) Chairman, Board of Directors, Federal Deposit Insur-
- 35 ance Corporation.
- 36 (21) Chairman of the Federal Home Loan Bank Board.
- 37 (22) Chairman, Federal Power Commission.
- 38 (23) Chairman, Federal Trade Commission.
- 39 (24) Chairman, Interstate Commerce Commission.
- 40 (25) Chairman, National Labor Relations Board.

- (26) Chairman, Securities and Exchange Commission.
- (27) Chairman, Board of Directors of the Tennessee Valley Authority.
- (28) Chairman, National Mediation Board.
- (29) Chairman, Railroad Retirement Board.
- (30) Chairman, Federal Maritime Commission.
- (31) Comptroller of the Currency.
- (32) Commissioner of Internal Revenue.
- (33) Director of Defense Research and Engineering, Department of Defense.
- (34) Deputy Administrator of the National Aeronautics and Space Administration.
- (35) Deputy Director of the Bureau of the Budget.
- (36) Deputy Director of Central Intelligence.
- (37) Director of the Office of Emergency Planning.
- (38) Director of the Peace Corps.
- (39) Chief Medical Director in the Department of Medicine and Surgery, Veterans' Administration.
- (40) Director of the National Science Foundation.
- (41) Deputy Administrator of the Housing and Home Finance Agency.
- (42) President of the Export-Import Bank of Washington.
- (43) Members, Atomic Energy Commission.
- (44) Members, Board of Governors of the Federal Reserve System.
- (45) Director of the Federal Bureau of Investigation, Department of Justice.

§ 5315. Positions at level IV

Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is \$27,000:

- (1) Administrator, Bureau of Security and Consular Affairs, Department of State.
- (2) Deputy Administrator of the Federal Aviation Agency.
- (3) Deputy Administrator of General Services.
- (4) Associate Administrator of the National Aeronautics and Space Administration.
- (5) Assistant Administrators, Agency for International Development (6).
- (6) Regional Assistant Administrators, Agency for International Development (4).

- 1 (7) Under Secretary of the Air Force.
- 2 (8) Under Secretary of the Army.
- 3 (9) Under Secretary of the Navy.
- 4 (10) Deputy Under Secretaries of State (2).
- 5 (11) Assistant Secretaries of Agriculture (3).
- 6 (12) Assistant Secretaries of Commerce (4).
- 7 (13) Assistant Secretaries of Defense (7).
- 8 (14) Assistant Secretaries of the Air Force (3).
- 9 (15) Assistant Secretaries of the Army (3).
- 10 (16) Assistant Secretaries of the Navy (3).
- 11 (17) Assistant Secretaries of Health, Education, and Welfare
- 12 (2).
- 13 (18) Assistant Secretaries of the Interior (4).
- 14 (19) Assistant Attorneys General (9).
- 15 (20) Assistant Secretaries of Labor (4).
- 16 (21) Assistant Postmasters General (5).
- 17 (22) Assistant Secretaries of State (11).
- 18 (23) Assistant Secretaries of the Treasury (4).
- 19 (24) Chairman of the United States Tariff Commission.
- 20 (25) Commissioner, Community Facilities Administration.
- 21 (26) Commissioner, Federal Housing Administration.
- 22 (27) Commissioner, Public Housing Administration.
- 23 (28) Commissioner, Urban Renewal Administration.
- 24 (29) Director of Civil Defense, Department of the Army.
- 25 (30) Director of the Federal Mediation and Conciliation
- 26 Service.
- 27 (31) Deputy Chief Medical Director in the Department of
- 28 Medicine and Surgery, Veterans' Administration.
- 29 (32) Deputy Director of the Office of Emergency Planning.
- 30 (33) Deputy Director of the Office of Science and Technology.
- 31 (34) Deputy Director of the Peace Corps.
- 32 (35) Deputy Director of the United States Arms Control and
- 33 Disarmament Agency.
- 34 (36) Deputy Director of the United States Information
- 35 Agency.
- 36 (37) Assistant Directors of the Bureau of the Budget (3).
- 37 (38) General Counsel of the Department of Agriculture.
- 38 (39) General Counsel of the Department of Commerce.
- 39 (40) General Counsel of the Department of Defense.
- 40 (41) General Counsel of the Department of Health, Educa-
- 41 tion, and Welfare.

- (42) Solicitor of the Department of the Interior.
- (43) Solicitor of the Department of Labor.
- (44) General Counsel of the National Labor Relations Board.
- (45) General Counsel of the Post Office Department.
- (46) Counselor of the Department of State.
- (47) Legal Adviser of the Department of State.
- (48) General Counsel of the Department of the Treasury.
- (49) First Vice President of the Export-Import Bank of Washington.
- (50) General Manager of the Atomic Energy Commission.
- (51) Governor of the Farm Credit Administration.
- (52) Inspector General, Foreign Assistance.
- (53) Deputy Inspector General, Foreign Assistance.
- (54) Members, Civil Aeronautics Board.
- (55) Members, Council of Economic Advisers.
- (56) Members, Board of Directors of the Export-Import Bank of Washington.
- (57) Members, Federal Communications Commission.
- (58) Member, Board of Directors of the Federal Deposit Insurance Corporation.
- (59) Members, Federal Home Loan Bank Board.
- (60) Members, Federal Power Commission.
- (61) Members, Federal Trade Commission.
- (62) Members, Interstate Commerce Commission.
- (63) Members, National Labor Relations Board.
- (64) Members, Securities and Exchange Commission.
- (65) Members, Board of Directors of the Tennessee Valley Authority.
- (66) Members, United States Civil Service Commission.
- (67) Members, Federal Maritime Commission.
- (68) Members, National Mediation Board.
- (69) Members, Railroad Retirement Board.
- (70) Director of Selective Service.
- (71) Associate Director of the Federal Bureau of Investigation, Department of Justice.

§ 5316. Positions at level V

Level V of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is \$26,000:

- (1) Administrator, Agricultural Marketing Service, Department of Agriculture.

- 1 (2) Administrator, Agricultural Research Service, Department
2 of Agriculture.
- 3 (3) Administrator, Agricultural Stabilization and Conserva-
4 tion Service, Department of Agriculture.
- 5 (4) Administrator, Farmers Home Administration.
- 6 (5) Administrator, Foreign Agricultural Service, Department
7 of Agriculture.
- 8 (6) Administrator, Rural Electrification Administration, De-
9 partment of Agriculture.
- 10 (7) Administrator, Soil Conservation Service, Department of
11 Agriculture.
- 12 (8) Administrator, Bonneville Power Administration, Depart-
13 ment of the Interior.
- 14 (9) Administrator of the National Capital Transportation
15 Agency.
- 16 (10) Administrator of the Saint Lawrence Seaway Develop-
17 ment Corporation.
- 18 (11) Deputy Administrators of the Small Business Adminis-
19 tration (4).
- 20 (12) Associate Administrator for Administration, Federal
21 Aviation Agency.
- 22 (13) Associate Administrator for Development, Federal Avia-
23 tion Agency.
- 24 (14) Associate Administrator for Programs, Federal Aviation
25 Agency.
- 26 (15) Associate Administrator for Advanced Research and
27 Technology, National Aeronautics and Space Administration.
- 28 (16) Associate Administrator for Space Science and Applica-
29 tions, National Aeronautics and Space Administration.
- 30 (17) Associate Administrator for Manned Space Flight, Na-
31 tional Aeronautics and Space Administration.
- 32 (18) Associate Deputy Administrator, National Aeronautics
33 and Space Administration.
- 34 (19) Deputy Associate Administrator, National Aeronautics
35 and Space Administration.
- 36 (20) Associate Deputy Administrator of Veterans' Affairs.
- 37 (21) Archivist of the United States.
- 38 (22) Area Redevelopment Administrator, Department of Com-
39 merce.
- 40 (23) Assistant Secretary of Agriculture for Administration.

1 (24) Assistant Secretary of Health, Education, and Welfare
2 for Administration.

3 (25) Assistant Secretary of the Interior for Administration.

4 (26) Assistant Attorney General for Administration.

5 (27) Assistant Secretary of Labor for Administration.

6 (28) Assistant Secretary of the Treasury for Administration.

7 (29) Assistant General Manager, Atomic Energy Commission.

8 (30) Assistant and Science Adviser to the Secretary of the
9 Interior.

10 (31) Chairman, Foreign Claims Settlement Commission of
11 the United States.

12 (32) Chairman of the Military Liaison Committee to the
13 Atomic Energy Commission, Department of Defense.

14 (33) Chairman of the Renegotiation Board.

15 (34) Chairman of the Subversive Activities Control Board.

16 (35) Chief Counsel for the Internal Revenue Service, Depart-
17 ment of the Treasury.

18 (36) Chief Forester of the Forest Service, Department of Agri-
19 culture.

20 (37) Chief Postal Inspector, Post Office Department.

21 (38) Chief, Weather Bureau, Department of Commerce.

22 (39) Commissioner of Customs, Department of the Treasury.

23 (40) Commissioner, Federal Supply Service, General Services
24 Administration.

25 (41) Commissioner of Education, Department of Health, Edu-
26 cation, and Welfare.

27 (42) Commissioner of Fish and Wildlife, Department of the
28 Interior.

29 (43) Commissioner of Food and Drugs, Department of Health,
30 Education, and Welfare.

31 (44) Commissioner of Immigration and Naturalization, De-
32 partment of Justice.

33 (45) Commissioner of Indian Affairs, Department of the
34 Interior.

35 (46) Chief Commissioner, Indian Claims Commission.

36 (47) Associate Commissioners, Indian Claims Commission (2).

37 (48) Commissioner of Patents, Department of Commerce.

38 (49) Commissioner, Public Buildings Service, General Services
39 Administration.

40 (50) Commissioner of Reclamation, Department of the
41 Interior.

- 1 (51) Commissioner of Social Security, Department of Health,
2 Education, and Welfare.
- 3 (52) Commissioner of Vocational Rehabilitation, Department
4 of Health, Education, and Welfare.
- 5 (53) Commissioner of Welfare, Department of Health, Edu-
6 cation, and Welfare.
- 7 (54) Director, Advanced Research Projects Agency, Depart-
8 ment of Defense.
- 9 (55) Director of Agricultural Economics, Department of Agri-
10 culture.
- 11 (56) Director, Bureau of the Census, Department of Commerce.
- 12 (57) Director, Bureau of Mines, Department of the Interior.
- 13 (58) Director, Bureau of Prisons, Department of Justice.
- 14 (59) Director, Geological Survey, Department of the Interior.
- 15 (60) Director, Office of Research and Engineering, Post Office
16 Department.
- 17 (61) Director, National Bureau of Standards, Department of
18 Commerce.
- 19 (62) Director of Regulation, Atomic Energy Commission.
- 20 (63) Director of Science and Education, Department of Agri-
21 culture.
- 22 (64) Deputy Under Secretary for Monetary Affairs, Depart-
23 ment of the Treasury.
- 24 (65) Deputy Commissioner of Internal Revenue, Department
25 of the Treasury.
- 26 (66) Deputy Director, National Science Foundation.
- 27 (67) Deputy Director, Policy and Plans, United States Infor-
28 mation Agency.
- 29 (68) Deputy General Counsel, Department of Defense.
- 30 (69) Deputy General Manager, Atomic Energy Commission.
- 31 (70) Associate Director of the Federal Mediation and Concilia-
32 tion Service.
- 33 (71) Associate Director for Volunteers, Peace Corps.
- 34 (72) Associate Director for Program Development and Opera-
35 tions, Peace Corps.
- 36 (73) Assistants to the Director of the Federal Bureau of Inves-
37 tigation, Department of Justice (2).
- 38 (74) Assistant Directors, Office of Emergency Planning (3).
- 39 (75) Assistant Directors, United States Arms Control and Dis-
40 armament Agency (4).

(76) Federal Highway Administrator, Department of Commerce.

(77) Fiscal Assistant Secretary of the Treasury.

(78) General Counsel of the Agency for International Development.

(79) General Counsel of the Department of the Air Force.

(80) General Counsel of the Department of the Army.

(81) General Counsel of the Atomic Energy Commission.

(82) General Counsel of the Federal Aviation Agency.

(83) General Counsel of the Housing and Home Finance Agency.

(84) General Counsel of the Department of the Navy.

(85) General Counsel of the United States Arms Control and Disarmament Agency.

(86) General Counsel of the National Aeronautics and Space Administration.

(87) Governor of the Canal Zone.

(88) Manpower Administrator, Department of Labor.

(89) Maritime Administrator, Department of Commerce.

(90) Members, Foreign Claims Settlement Commission of the United States.

(91) Members, Renegotiation Board.

(92) Members, Subversive Activities Control Board.

(93) Members, United States Tariff Commission.

(94) President of the Federal National Mortgage Association.

(95) Special Assistant to the Secretary (Health and Medical Affairs), Department of Health, Education, and Welfare.

(96) Deputy Directors of Defense Research and Engineering, Department of Defense (4).

(97) Assistant Administrator of General Services.

(98) Director, United States Travel Service, Department of Commerce.

(99) Executive Director of the United States Civil Service Commission.

§ 5317. Presidential authority to place positions at levels IV and V

In addition to the positions listed in sections 5315 and 5316 of this title, the President, from time to time, may place in levels IV and V of the Executive Schedule positions held by not to exceed 30 individuals when he considers that action necessary to reflect changes in organization, management responsibilities, or workload in an Executive

1 agency. Such an action with respect to a position to which appoint-
2 ment is made by the President by and with the advice and consent of
3 the Senate is effective only at the time of a new appointment to the
4 position. Notice of each action taken under this section shall be pub-
5 lished in the Federal Register, except when the President determines
6 that the publication would be contrary to the interest of national secu-
7 rity. The President may not take action under this section with
8 respect to a position the pay for which is fixed at a specific rate by this
9 subchapter or by statute enacted after August 14, 1964.

10 **SUBCHAPTER III—GENERAL SCHEDULE PAY RATES**

11 **§ 5331. Definitions; application**

12 (a) For the purpose of this subchapter, “agency”, “employee”,
13 “position”, “class”, and “grade” have the meanings given them by
14 section 5102 of this title.

15 (b) This subchapter applies to employees and positions to which
16 chapter 51 of this title applies.

17 **§ 5332. The General Schedule**

18 (a) The General Schedule, the symbol for which is “GS”, is the
19 basic pay schedule for positions to which this subchapter applies.
20 Each employee to whom this subchapter applies is entitled to basic
21 pay in accordance with the General Schedule.

GENERAL SCHEDULE

Grade	Annual rates and steps									
	1	2	3	4	5	6	7	8	9	10
GS-1-----	\$3,385	\$3,500	\$3,615	\$3,730	\$3,845	\$3,960	\$4,075	\$4,190	\$4,305	\$4,420
GS-2-----	3,680	3,805	3,930	4,055	4,180	4,305	4,430	4,555	4,680	4,805
GS-3-----	4,005	4,140	4,275	4,410	4,545	4,680	4,815	4,950	5,085	5,220
GS-4-----	4,480	4,630	4,780	4,930	5,080	5,230	5,380	5,530	5,680	5,830
GS-5-----	5,000	5,165	5,330	5,495	5,660	5,825	5,990	6,155	6,320	6,485
GS-6-----	5,505	5,690	5,875	6,060	6,245	6,430	6,615	6,800	6,985	7,170
GS-7-----	6,050	6,250	6,450	6,650	6,850	7,050	7,250	7,450	7,650	7,850
GS-8-----	6,630	6,850	7,070	7,290	7,510	7,730	7,950	8,170	8,390	8,610
GS-9-----	7,220	7,465	7,710	7,955	8,200	8,445	8,690	8,935	9,180	9,425
GS-10-----	7,900	8,170	8,440	8,710	8,980	9,250	9,520	9,790	10,060	10,330
GS-11-----	8,650	8,945	9,240	9,535	9,830	10,125	10,420	10,715	11,010	11,305
GS-12-----	10,250	10,605	10,960	11,315	11,670	12,025	12,380	12,735	13,090	13,445
GS-13-----	12,075	12,495	12,915	13,335	13,755	14,175	14,595	15,015	15,435	15,855
GS-14-----	14,170	14,660	15,150	15,640	16,130	16,620	17,110	17,600	18,090	18,580
GS-15-----	16,460	17,030	17,600	18,170	18,740	19,310	19,880	20,450	21,020	21,590
GS-16-----	18,935	19,590	20,245	20,900	21,555	22,210	22,865	23,520	24,175	-----
GS-17-----	21,445	22,195	22,945	23,695	24,445	-----	-----	-----	-----	-----
GS-18-----	24,500	-----	-----	-----	-----	-----	-----	-----	-----	-----

22 (b) When payment is made on the basis of an hourly, daily, weekly,
23 or biweekly rate, the rate is computed from the appropriate annual
24 rate of basic pay named by subsection (a) of this section in accordance
25 with the rules prescribed by section 5504(b) of this title.

26 **§ 5333. Minimum rate for new appointments; higher rates for**
27 **supervisors of wage-board employees**

28 (a) New appointments shall be made at the minimum rate of the
29 appropriate grade. However, under regulations prescribed by the
30 Civil Service Commission which provide for such considerations as

the existing pay or unusually high or unique qualifications of the candidate, or a special need of the Government for his services, the head of an agency may appoint, with the approval of the Commission in each specific case, an individual to a position in GS-13 or above at such a rate above the minimum rate of the appropriate grade as the Commission may authorize for this purpose. The approval of the Commission in each specific case is not required with respect to an appointment made by the Librarian of Congress.

(b) Under regulations prescribed by the Civil Service Commission, an employee in a position to which this subchapter applies, who regularly has responsibility for supervision (including supervision over the technical aspects of the work concerned) over employees whose pay is fixed and adjusted from time to time by wage boards or similar administrative authority as nearly as is consistent with the public interest in accordance with prevailing rates, may be paid at one of the rates for his grade which is above the highest rate of basic pay being paid to any such prevailing-rate employee regularly supervised, or at the maximum rate for his grade, as provided by the regulations.

§ 5334. Rate on change of position or type of appointment; regulations

(a) The rate of basic pay to which an employee is entitled is governed by regulations prescribed by the Civil Service Commission in conformity with this subchapter and chapter 51 of this title when—

(1) he is transferred from a position in the legislative, judicial, or executive branch to which this subchapter does not apply;

(2) he is transferred from a position in the legislative, judicial, or executive branch to which this subchapter applies to another such position;

(3) he is demoted to a position in a lower grade;

(4) he is reinstated, reappointed, or reemployed in a position to which this subchapter applies following service in any position in the legislative, judicial, or executive branch;

(5) his type of appointment is changed;

(6) his employment status is otherwise changed; or

(7) his position is changed from one grade to another grade.

(b) An employee who is promoted or transferred to a position in a higher grade is entitled to basic pay at the lowest rate of the higher grade which exceeds his existing rate of basic pay by not less than two step-increases of the grade from which he is promoted or transferred. If, in the case of an employee so promoted or trans-

ferred who is receiving basic pay at a rate in excess of the maximum rate of his grade, there is no rate in the higher grade which is at least two step-increases above his existing rate of basic pay, he is entitled to—

(1) the maximum rate of the higher grade; or

(2) his existing rate of basic pay, if that rate is the higher.

If an employee so promoted or transferred is receiving basic pay at a rate saved to him under section 5337 of this title on reduction in grade, he is entitled to—

(A) basic pay at a rate two steps above the rate which he would be receiving if section 5337 of this title were not applicable to him; or

(B) his existing rate of basic pay, if that rate is the higher.

(c) An employee in the legislative branch who is paid by the Secretary of the Senate or the Clerk of the House of Representatives, and who has completed two or more years of service as such an employee, and a Member of the Senate or House of Representatives who has completed two or more years of service as such a Member, may, on appointment to a position to which this subchapter applies, have his initial rate of pay fixed—

(1) at the minimum rate of the appropriate grade; or

(2) at a step of the appropriate grade that does not exceed the highest previous rate of pay received by him during that service in the legislative branch.

(d) The Commission may prescribe regulations governing the retention of the rate of basic pay of an employee who together with his position is brought under this subchapter and chapter 51 of this title. If an employee so entitled to a retained rate under these regulations is later demoted to a position under this subchapter and chapter 51 of this title, his rate of basic pay is determined under section 5337 of this title. However, for the purpose of section 5337 of this title, service in the position which was brought under this subchapter and chapter 51 of this title is deemed service under this subchapter and chapter 51 of this title.

(e) The rate of pay established for a teaching position as defined by section 901 of title 20 held by an individual who becomes subject to subsection (a) of this section is deemed increased by 20 percent to determine the yearly rate of pay of the position.

§ 5335. Periodic step-increases

(a) An employee paid on an annual basis, and occupying a perma-

nent position within the scope of the General Schedule, who has not reached the maximum rate of pay for the grade in which his position is placed, shall be advanced in pay successively to the next higher rate within the grade at the beginning of the next pay period following the completion of—

(1) each 52 calendar weeks of service in pay rates 1, 2, and 3;

(2) each 104 calendar weeks of service in pay rates 4, 5, and 6; or

(3) each 156 calendar weeks of service in pay rates 7, 8, and 9;

subject to the following conditions:

(A) the employee did not receive an equivalent increase in pay from any cause during that period; and

(B) the work of the employee, except a hearing examiner appointed under section 3105 of this title, is of an acceptable level of competence as determined by the head of the agency.

(b) Under regulations prescribed by the Civil Service Commission, the benefit of successive step-increases shall be preserved for employees whose continuous service is interrupted in the public interest by service with the armed forces or by service in essential non-Government civilian employment during a period of war or national emergency.

(c) An increase in pay granted by statute is not an equivalent increase in pay within the meaning of subsection (a) of this section.

(d) This section does not apply to the pay of an individual appointed by the President, by and with the advice and consent of the Senate.

§ 5336. Additional step-increases

(a) Within the limit of available appropriations and under regulations prescribed by the Civil Service Commission, the head of each agency may grant additional step-increases in recognition of high quality performance above that ordinarily found in the type of position concerned. However, an employee is eligible under this section for only one additional step-increase within any 52-week period.

(b) A step-increase under this section is in addition to those under section 5335 of this title and is not an equivalent increase in pay within the meaning of section 5335(a) of this title.

(c) This section does not apply to the pay of an individual appointed by the President, by and with the advice and consent of the Senate.

1 **§ 5337. Pay saving**

2 (a) Subject to the limitation in subsection (b) of this section, an
3 employee—

4 (1) who is reduced in grade from a grade of the General
5 Schedule;

6 (2) who holds a career or career-conditional appointment in
7 the competitive service, or an appointment of equivalent tenure in
8 the excepted service or in the government of the District of
9 Columbia;

10 (3) whose reduction in grade is not (A) caused by a demotion
11 for personal cause, (B) at his request, (C) effected in a reduc-
12 tion in force due to lack of funds or curtailment of work, or
13 (D) with respect to a temporary promotion occurring after Sep-
14 tember 20, 1961, a condition of the temporary promotion to a
15 higher grade;

16 (4) who, for 2 continuous years immediately before the reduc-
17 tion in grade, served (A) in the same agency and (B) in a grade
18 or grades higher than the grade to which demoted; and

19 (5) whose work performance during the 2-year period is satis-
20 factory or better;

21 is entitled to basic pay at the rate to which he was entitled immediately
22 before the reduction in grade (including each increase in rate of basic
23 pay provided by statute) for a period of 2 years from the effective date
24 of the reduction in grade, so long as he—

25 (A) continues in the same agency without a break in service of
26 one workday or more;

27 (B) is not entitled to a higher rate of basic pay by operation
28 of this subchapter or chapter 51 of this title; and

29 (C) is not demoted or reassigned (i) for personal cause, (ii)
30 at his request, or (iii) in a reduction in force due to lack of funds
31 or curtailment of work.

32 (b) The rate of basic pay to which an employee is entitled under
33 subsection (a) of this section with respect to each reduction in grade
34 to which this section applies may not exceed the sum of—

35 (1) the minimum rate of the grade to which he is reduced
36 under each reduction in grade to which this section applies (in-
37 cluding each increase in rate of basic pay provided by statute);
38 and

39 (2) the difference between his rate immediately before the first
40 reduction in grade to which this section applies (including each
41 increase in rate of basic pay provided by statute) and the mini-

1 mum rate of that grade which is three grades lower than the
 2 grade from which he was reduced under the first of the reductions
 3 in grade (including each increase in the rate of basic pay provided
 4 by statute).

5 **§ 5338. Regulations**

6 The Civil Service Commission may prescribe regulations necessary
 7 for the administration of this subchapter.

8 SUBCHAPTER IV—PREVAILING RATE SYSTEMS

9 **§ 5341. Trades and crafts**

10 (a) The pay of employees excepted from chapter 51 of this title by
 11 section 5102 (c) (7) of this title shall be fixed and adjusted from time
 12 to time as nearly as is consistent with the public interest in accordance
 13 with prevailing rates.

14 (b) When the Civil Service Commission concurs in a finding by the
 15 employing agency that in a given area the number of employees to
 16 whom this section applies is so few as to make prevailing rate deter-
 17 minations impracticable, these employees are subject to the provisions
 18 of subchapter III of this chapter and chapter 51 of this title which
 19 are applicable to positions of equivalent difficulty or responsibility.

20 **§ 5342. Crews of vessels**

21 (a) Except as provided by subsection (b) of this section, the pay of
 22 officers and members of crews of vessels excepted from chapter 51 of
 23 this title by section 5102(c) (8) of this title shall be fixed and adjusted
 24 from time to time as nearly as is consistent with the public interest
 25 in accordance with prevailing rates and practices in the maritime
 26 industry.

27 (b) Vessel employees of the Panama Canal Company may be paid
 28 in accordance with the wage practices of the maritime industry.

29 **§ 5343. Effective date of pay increase**

30 Each increase in rates of basic pay granted, pursuant to a wage
 31 survey, to employees whose pay is fixed and adjusted under section
 32 5341 of this title is effective, as follows:

33 (1) If the wage survey is made by an agency, either alone or
 34 with another agency, with respect to its own employees, the in-
 35 crease is effective for its employees not later than the first day of
 36 the first pay period which begins after the 44th day, excluding
 37 Saturdays and Sundays, following the date on which the wage
 38 survey was ordered to be made.

39 (2) If the wage survey is made by an agency, either alone or
 40 with another agency, and is used by an agency which did not
 41 participate in making the survey, the increase is effective for the

employees of the agency which did not participate in the survey not later than the first day of the first pay period which begins after the 19th day, excluding Saturdays and Sundays, following the date on which the agency which did not participate receives the data collected in the survey necessary for the granting of the increase.

§ 5344. Retroactive pay

(a) Retroactive pay is payable by reason of an increase in rates of basic pay referred to in section 5343 of this title only when—

(1) the individual is in the service of the United States, including service in the armed forces, or the government of the District of Columbia on the date of the issuance of the order granting the increase; or

(2) the individual retired or died during the period beginning on the effective date of the increase and ending on the date of issuance of the order granting the increase, and only for services performed during that period.

(b) For the purpose of this section, service in the armed forces includes the period provided by statute for the mandatory restoration of the individual to a position in or under the Government of the United States or the government of the District of Columbia after he is relieved from training and service in the armed forces or discharged from hospitalization following that training and service.

SUBCHAPTER V—STUDENT-EMPLOYEES

§ 5351. Definitions

For the purpose of this subchapter—

(1) “agency” means an Executive agency, a military department, and the government of the District of Columbia; and

(2) “student-employee” means—

(A) a student nurse, medical or dental intern, resident-in-training, student dietitian, student physical therapist, and student occupational therapist, assigned or attached to a hospital, clinic, or medical or dental laboratory operated by an agency; and

(B) any other student-employee, assigned or attached primarily for training purposes to a hospital, clinic, or medical or dental laboratory operated by an agency, who is designated by the head of the agency with the approval of the Civil Service Commission.

§ 5352. Stipends

The head of each agency shall fix the stipends of his student-employees. The stipend may not exceed the applicable maximum prescribed by the Civil Service Commission.

§ 5353. Quarters subsistence, and laundry

An agency may provide living quarters, subsistence, and laundering to student-employees while at the hospitals, clinics, or laboratories. The reasonable value of the accommodations, when furnished, shall be deducted from the stipend of the student-employee. The head of the agency concerned shall fix the reasonable value of the accommodations at an amount not less than the lowest deduction applicable to regular employees at the same hospital, clinic, or laboratory for similar accommodations.

§ 5354. Effect of detail or affiliation ; travel expenses

(a) Status as a student-employee is not terminated by a temporary detail to or affiliation with another Government or non-Government institution to procure necessary supplementary training or experience pursuant to an order of the head of the agency. A student-employee may receive his stipend and other perquisites provided under this subchapter from the hospital, clinic, or laboratory to which he is assigned or attached for not more than 60 days of a detail or affiliation for each training year, as defined by the head of the agency.

(b) When the detail or affiliation under subsection (a) of this section is to or with another Federal institution, the student-employee is entitled to necessary expenses of travel to and from the institution in accordance with subchapter I of chapter 57 of this title.

§ 5355. Effect on other statutes

This subchapter does not limit the authority conferred on the Administrator of Veterans' Affairs by chapter 73 of title 38.

§ 5356. Appropriations

Funds appropriated to an agency for expenses of its hospitals, clinics, and laboratories to which student-employees are assigned or attached are available to carry out the provisions of this subchapter.

SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

§ 5361. Scientific and professional positions

Subject to the approval of the Civil Service Commission, the head of the agency concerned shall fix the annual rate of basic pay for scientific and professional positions established under section 3104 of this title at not less than the minimum rate for GS-16 nor more than the maximum rate for GS-18.

1 **§ 5362. Hearing examiners**

2 Hearing examiners appointed under section 3105 of this title are
3 entitled to pay prescribed by the Civil Service Commission independ-
4 ently of agency recommendations or ratings and in accordance with
5 subchapter III of this chapter and chapter 51 of this title.

6 **§ 5363. Limitation on pay fixed by administrative action**

7 Except as provided by the Government Employees Salary Reform
8 Act of 1964 (78 Stat. 400) and notwithstanding the provisions of other
9 statutes, the head of an Executive agency or military department who
10 is authorized to fix by administrative action the annual rate of basic
11 pay for a position or employee may not fix the rate at more than the
12 maximum rate for GS-18. This section does not impair the authorities
13 provided by—

- 14 (1) section 121 of title 2, Canal Zone Code (76A Stat. 15) ;
15 (2) sections 248, 481, and 1819 of title 12 ;
16 (3) section 831b of title 16 ; or
17 (4) sections 403a-403c, 403e-403h, and 403j of title 50.

18 **§ 5364. Miscellaneous positions in the executive branch**

19 The head of the agency concerned shall fix the annual rate of basic
20 pay for each position in the executive branch specifically referred to
21 in, or covered by, a conforming change in statute made by section 305
22 of the Government employees Salary Reform Act of 1964 (78 Stat.
23 422), or other position in the executive branch for which the annual
24 pay is fixed at a rate of \$18,500 or more under special provision of
25 statute enacted before August 14, 1964, which is not placed in a level
26 of the Executive Schedule set forth in subchapter II of this chapter,
27 at a rate equal to the pay rate of a grade and step of the General Sched-
28 ule set forth in section 5332 of this title. The head of the agency con-
29 cerned shall report each action taken under this section to the Civil
30 Service Commission and publish a notice thereof in the Federal Reg-
31 ister, except when the President determines that the report and pub-
32 lication would be contrary to the interest of national security.

33 **CHAPTER 55—PAY ADMINISTRATION**

34 **SUBCHAPTER I—GENERAL PROVISIONS**

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5501. Disposition of money accruing from lapsed salaries or unused appropria-
 tions for salaries.

5502. Unauthorized office ; prohibition on use of funds.

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5504. Biweekly pay periods ; computation of pay.

5505. Monthly pay periods ; computation of pay.

5506. Computation of extra pay based on standard or daylight saving time.

5507. Officer affidavit ; condition to pay.

5508. Officer entitled to leave ; effect on pay status.

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- 5511. Withholding pay ; employees removed for cause.
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- 5513. Withholding pay ; credit disallowed or charge raised for payment.
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- 5521. Definitions.
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- 5524. Review of accounts.
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Sec.

- 5531. Definitions.
- 5532. Employment of retired officers of the uniformed services ; reduction in retired or retirement pay ; exceptions.
- 5533. Dual pay from more than one position ; limitations ; exceptions.
- 5534. Dual employment and pay of Reserves and National Guardsmen.
- 5535. Extra pay for details prohibited.
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- 5537. Fees for jury service in courts of the United States.

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- 5541. Definitions.
- 5542. Overtime rates ; computation.
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- 5545. Night, standby, and irregular duty differential.
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SUBCHAPTER VI—PAYMENT FOR ACCUMULATED AND

ACCRUED LEAVE

Sec.

- 5551. Lump-sum payment for accumulated and accrued leave on separation.
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Sec.

- 5561. Definitions.
- 5562. Pay and allowances ; continuance while in a missing status ; limitations.
- 5563. Allotments ; continuance, suspension, initiation, resumption, or increase while in a missing status ; limitations.
- 5564. Travel and transportation ; dependents ; household and personal effects ; motor vehicles ; sale of bulky items ; claims for proceeds ; appropriation chargeable.
- 5565. Agency review.
- 5566. Agency determinations.
- 5567. Settlement of accounts.
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1 SUBCHAPTER VIII—SETTLEMENT OF ACCOUNTS

Sec.

5581. Definitions.

5582. Designation of beneficiary ; order of precedence.

5583. Payment of money due ; settlement of accounts.

2 SUBCHAPTER IX—BACK PAY

Sec.

5591. Back pay ; individuals reinstated or restored after removal or suspension for cause.

5592. Back pay ; preference eligibles reinstated or restored after removal, suspension, or furlough.

5593. Back pay ; individuals reinstated or restored after reduction in force.

5594. Back pay ; individuals reinstated or restored after suspension or removal for national security.

3 SUBCHAPTER I—GENERAL PROVISIONS

4 § 5501. Disposition of money accruing from lapsed salaries or un- 5 used appropriations for salaries

6 Money accruing from lapsed salaries or from unused appropriations
7 for salaries shall be covered into the Treasury of the United States.
8 An individual who violates this section shall be removed from the
9 service.

10 § 5502. Unauthorized office ; prohibition on use of funds

11 (a) Payment for services may not be made from the Treasury of
12 the United States to an individual acting or assuming to act as an
13 officer in the civil service or uniformed services in an office which is not
14 authorized by existing law, unless the office is later sanctioned by law.

15 (b) Except as otherwise provided by statute, public money and
16 appropriations may not be used for pay or allowance for an individual
17 employed by an official of the United States retired from active
18 service.

19 § 5503. Recess appointments

20 (a) Payment for services may not be made from the Treasury of
21 the United States to an individual appointed during a recess of the
22 Senate to fill a vacancy in an existing office, if the vacancy existed
23 while the Senate was in session and was by law required to be filled by
24 and with the advice and consent of the Senate, until the appointee has
25 been confirmed by the Senate. This subsection does not apply—

26 (1) if the vacancy arose within 30 days before the end of the
27 session of the Senate ;

28 (2) if, at the end of the session, a nomination for the office,
29 other than the nomination of an individual appointed during the
30 preceding recess of the Senate, was pending before the Senate
31 for its advice and consent ; or

32 (3) if a nomination for the office was rejected by the Senate
33 within 30 days before the end of the session and an individual

other than the one whose nomination was rejected thereafter receives a recess appointment.

(b) A nomination to fill a vacancy referred to by paragraph (1), (2), or (3) of subsection (a) of this section shall be submitted to the Senate not later than 40 days after the beginning of the next session of the Senate.

§ 5504. Biweekly pay periods; computation of pay

(a) The pay period for an employee covers two administrative workweeks. For the purpose of this subsection, "employee" means—

(1) an employee in or under an Executive agency;

(2) an employee in or under the Office of the Architect of the Capitol, the Botanic Garden, and the Library of Congress, for whom a basic administrative workweek is established under section 6101(c) of this title; and

(3) an individual employed by the government of the District of Columbia;

but does not include—

(A) an employee on the Isthmus of Panama in the service of the Canal Zone Government or the Panama Canal Company; or

(B) an employee or individual excluded from the definition of employee in section 5541(2) of this title.

(b) For pay computation purposes affecting an employee, the annual rate of basic pay established by or under statute is deemed payment for employment during 52 basic administrative workweeks of 40 hours. When it is necessary for computation of pay under this subsection to convert an annual rate of basic pay to a basic hourly, daily, weekly, or biweekly rate, the following rules govern:

(1) To derive an hourly rate, divide the annual rate by 2,080.

(2) To derive a daily rate, multiply the hourly rate by the number of daily hours of service required.

(3) To derive a weekly or biweekly rate, multiply the hourly rate by 40 or 80, as the case may be.

Rates are computed to the nearest cent, counting one-half and over as a whole cent. For the purpose of this subsection, "employee" means—

(A) an employee in or under an Executive agency;

(B) an employee in or under the judicial branch;

(C) an employee in or under the Office of the Architect of the Capitol, the Botanic Garden, and the Library of Congress, for whom a basic administrative workweek is established under section 6101(c) of this title; and

1 (D) an individual employed by the government of the District
2 of Columbia;

3 but does not include an employee or individual excluded from the
4 definition of employee in section 5541(2) of this title.

5 (c) The Civil Service Commission may prescribe regulations, sub-
6 ject to the approval of the President, necessary for the administration
7 of this section insofar as this section affects employees in or under
8 the executive branch.

9 **§ 5505. Monthly pay periods; computation of pay**

10 The pay period for an individual in the service of the United States
11 whose pay is monthly or annual covers one calendar month, and the
12 following rules for division of time and computation of pay for
13 services performed govern:

14 (1) A month's pay is one-twelfth of a year's pay.

15 (2) A day's pay is one-thirtieth of a month's pay.

16 (3) The 31st day of a calendar month is ignored in computing
17 pay, except that one day's pay is forfeited for one day's unauthor-
18 ized absence on the 31st day of a calendar month.

19 (4) For each day of the month elapsing before entering the
20 service, one day's pay is deducted from the first month's pay of
21 the individual.

22 This section does not apply to an employee whose pay is computed
23 under section 5504(b) of this title.

24 **§ 5506. Computation of extra pay based on standard or daylight
25 saving time**

26 When an employee as defined by section 2105 of this title or an
27 individual employed by the government of the District of Columbia
28 is entitled to extra pay for services performed between or after certain
29 named hours of the day or night, the extra pay is computed on the
30 basis of either standard or daylight saving time, depending on the
31 time observed by law, custom, or practice where the services are
32 performed.

33 **§ 5507. Officer affidavit; condition to pay**

34 An officer required by section 3332 of this title to file an affidavit
35 may not be paid until the affidavit has been filed.

36 **§ 5508. Officer entitled to leave; effect on pay status**

37 An officer in the executive branch and an officer of the government
38 of the District of Columbia to whom subchapter I of chapter 63 of this
39 title applies are not entitled to the pay of their offices solely because of
40 their status as officers.

1 **§ 5509. Appropriations**

2 There are authorized to be appropriated sums necessary to carry
3 out the provisions of this title.

4 **SUBCHAPTER II—WITHHOLDING PAY**

5 **§ 5511. Withholding pay; employees removed for cause**

6 (a) Except as provided by subsection (b) of this section, the earned
7 pay of an employee removed for cause may not be withheld or
8 confiscated.

9 (b) If an employee indebted to the United States is removed for
10 cause, the pay accruing to the employee shall be applied in whole or
11 in part to the satisfaction of any claim or indebtedness due the United
12 States.

13 **§ 5512. Withholding pay; individuals in arrears**

14 (a) The pay of an individual in arrears to the United States shall
15 be withheld until he has accounted for and paid into the Treasury
16 of the United States all sums for which he is liable.

17 (b) When pay is withheld under subsection (a) of this section, the
18 General Accounting Office, on request of the individual, his agent, or
19 his attorney, shall report immediately to the Attorney General the
20 balance due; and the Attorney General, within 60 days, shall order suit
21 to be commenced against the individual and his sureties.

22 **§ 5513. Withholding pay; credit disallowed or charge raised for
23 payment**

24 When the General Accounting Office, on a statement of the account
25 of a disbursing or certifying official of the United States, disallows
26 credit or raises a charge for a payment to an individual in or under
27 an Executive agency otherwise entitled to pay, the pay of the payee
28 shall be withheld in whole or in part until full reimbursement is
29 made under regulations prescribed by the head of the Executive
30 agency from which the payee is entitled to receive pay. This section
31 does not repeal or modify existing statutes relating to the collection
32 of the indebtedness of an accountable, certifying, or disbursing official.

33 **§ 5514. Installment deduction for indebtedness because of errone-
34 ous payment**

35 (a) When the head of the agency concerned or his designee deter-
36 mines that an employee, a member of the armed forces, or a Reserve
37 of the armed forces, is indebted to the United States because of
38 an erroneous payment made by the agency to or on behalf of the
39 individual, the amount of the indebtedness may be collected in
40 monthly installments, or at officially established regular pay period

1 intervals, by deduction in reasonable amounts from the current pay
 2 account of the individual. The deductions may be made only from
 3 basic pay, special pay, incentive pay, retired pay, retainer pay, or,
 4 in the case of an individual not entitled to basic pay, other authorized
 5 pay. Collection shall be made over a period not greater than the
 6 anticipated period of active duty or employment, as the case may be.
 7 The amount deducted for any period may not exceed two-thirds of the
 8 pay from which the deduction is made, unless the deduction of a
 9 greater amount is necessary to make the collection within the period
 10 of anticipated active duty or employment. If the individual retires
 11 or if his employment or period of active duty otherwise ends before
 12 collection of the amount of the indebtedness is completed, deduction
 13 shall be made from later payments of any nature due the individual
 14 from the agency concerned.

15 (b) The head of each agency shall prescribe regulations, subject to
 16 the approval of the Director of the Bureau of the Budget, to carry
 17 out this section and section 581d of title 31. Regulations prescribed
 18 by the Secretaries of the military departments shall be uniform for
 19 the military services insofar as practicable.

20 (c) Subsection (a) of this section does not modify existing statutes
 21 which provide for forfeiture of pay or allowances. This section and
 22 section 581d of title 31 do not repeal, modify, or amend sections 4837
 23 (d) or 9837(d) of title 10 or section 1007 (b), (c) of title 37.

24 **§ 5515. Crediting amounts received for jury service in State courts**

25 An amount received by an employee as defined by section 2105 of
 26 this title or an individual employed by the government of the District
 27 of Columbia for jury service in a State court for a period during which
 28 the employee or individual is entitled to leave under section 6322 of
 29 this title shall be credited against pay payable by the United States or
 30 the District of Columbia to the employee or individual.

31 **§ 5516. Withholding District of Columbia income taxes**

32 (a) The Secretary of the Treasury, under regulations prescribed by
 33 the President, shall enter into an agreement with the Commissioners
 34 of the District of Columbia within 120 days of a request for agree-
 35 ment from the Commissioners. The agreement shall provide that
 36 the head of each agency of the United States shall comply with the
 37 requirements of subchapter II of chapter 15 of title 47, District of
 38 Columbia Code, in the case of employees of the agency who are subject
 39 to income taxes imposed by that subchapter and whose regular place
 40 of employment is within the District of Columbia. The agreement

may not apply to pay for service as a member of the armed forces, or to pay of an employee who is not a resident of the District of Columbia as defined in subchapter II of chapter 15 of title 47, District of Columbia Code.

(b) This section does not give the consent of the United States to the application of a statute which imposes more burdensome requirements on the United States than on other employers, or which subjects the United States or its employees to a penalty or liability because of this section.

§ 5517. Withholding State income taxes

(a) When a State statute—

(1) provides for the collection of a tax by imposing on employers generally the duty of withholding sums from the pay of employees and making returns of the sums to the State; and

(2) imposes the duty to withhold generally with respect to the pay of employees who are residents of the State;

the Secretary of the Treasury, under regulations prescribed by the President, shall enter into an agreement with the State within 120 days of a request for agreement from the proper State official. The agreement shall provide that the head of each agency of the United States shall comply with the requirements of the State withholding statute in the case of employees of the agency who are subject to the tax and whose regular place of Federal employment is within the State with which the agreement is made. The agreement may not apply to pay for service as a member of the armed forces.

(b) This section does not give the consent of the United States to the application of a statute which imposes more burdensome requirements on the United States than on other employers, or which subjects the United States or its employees to a penalty or liability because of this section. An agency of the United States may not accept pay from a State for services performed in withholding State income taxes from the pay of the employees of the agency.

(c) For the purpose of this section, "State" means a State or territory or possession of the United States.

§ 5518. Deductions for State retirement systems; National Guard employees

When—

(1) a State statute provides for the payment of employee contributions to a State employee retirement system or to a State sponsored plan providing retirement, disability, or death benefits,

by withholding sums from the pay of State employees and making returns of the sums withheld to State authorities or to the person or organization designated by State authorities to receive sums withheld for the program; and

(2) individuals employed by the Army National Guard and the Air National Guard, except employees of the National Guard Bureau, are eligible for membership in a State employee retirement system or other State sponsored plan;

the Secretary of Defense, under regulations prescribed by the President, shall enter into an agreement with the State within 120 days of a request for agreement from the proper State official. The agreement shall provide that the Department of Defense shall comply with the requirements of State statute as to the individuals named by paragraph (2) of this section who are eligible for membership in the State employee retirement system. The disbursing officials paying these individuals shall withhold and pay to the State employee retirement system or to the person or organization designated by State authorities to receive sums withheld for the program the employee contributions for these individuals. For the purpose of this section, "State" means a State or territory or possession of the United States including the Commonwealth of Puerto Rico.

SUBCHAPTER III—ADVANCEMENT, ALLOTMENT, AND ASSIGNMENT OF PAY

§ 5521. Definitions

For the purpose of this subchapter—

(1) "agency" means—

(A) an Executive agency;

(B) the judicial branch;

(C) the Library of Congress;

(D) the Government Printing Office; and

(E) the government of the District of Columbia;

(2) "employee" means an individual employed in or under an agency;

(3) "head of each agency" means—

(A) the Director of the Administrative Office of the United States Courts with respect to the judicial branch; and

(B) the Board of Commissioners of the District of Columbia with respect to the government of the District of Columbia; and

(4) "United States", when used in a geographical sense, means the several States and the District of Columbia.

§ 5522. Advance payments; rates; amounts recoverable

(a) The head of each agency may provide for the advance payment of the pay, allowances, and differentials, or any of them, covering a period of not more than 30 days, to or for the account of each employee of the agency (or, under emergency circumstances and on a reimbursable basis, an employee of another agency) whose evacuation (or that of his dependents or immediate family, as the case may be) from a place inside or outside the United States is ordered for military or other reasons which create imminent danger to the life or lives of the employee or of his dependents or immediate family.

(b) Subject to adjustment of the account of an employee under section 5524 of this title and other applicable statute, the advance payment of pay, allowances, and differentials is at rates currently authorized with respect to the employee on the date the advance payment is made under agency procedures governing advance payments under this subsection. The rates so authorized may not exceed the rates to which the employee was entitled immediately before issuance of the evacuation order.

(c) An advance of funds under subsection (a) of this section is recoverable by the Government of the United States or the government of the District of Columbia, as the case may be, from the employee or his estate by—

- (1) setoff against accrued pay, amount of retirement credit, or other amount due to the employee from the Government of the United States or the government of the District of Columbia; and
- (2) such other method as is provided by law.

The head of the agency concerned may waive in whole or in part a right of recovery of an advance of funds under subsection (a) of this section, if it is shown that the recovery would be against equity and good conscience or against the public interest

§ 5523. Duration of payments; rates; active service period

(a) The head of each agency may provide for—

- (1) the payment of monetary amounts covering a period of not more than 60 days to or for the account of each employee of the agency (or, under emergency circumstances and on a reimbursable basis, an employee of another agency)—

(A) whose evacuation from a place inside or outside the United States is ordered for military or other reasons which create imminent danger to the life of the employee; and

1 (B) who is prevented, by circumstances beyond his control
 2 and beyond the control of the Government of the United
 3 States or the government of the District of Columbia, or both,
 4 as the case may be, from performing the duties of the posi-
 5 tion which he held immediately before issuance of the evacua-
 6 tion order; and

7 (2) the termination of payment of the monetary amounts.

8 The President, with respect to the Executive agencies, may extend the
 9 60-day period for not more than 120 additional days if he determines
 10 that the extension of the period is in the interest of the United States.

11 (b) Subject to adjustment of the account of an employee under
 12 section 5524 of this title and other applicable statute, each payment
 13 under this section is at rates of pay, allowances, and differentials, or
 14 any of them, currently authorized with respect to the employee on the
 15 date payment is made under agency procedures governing payments
 16 under this section. The rates so authorized may not exceed the rates
 17 to which the employee was entitled immediately before issuance of the
 18 evacuation order. An employee in an Executive agency may be
 19 granted such additional allowance payments as the President deter-
 20 mines necessary to offset the direct added expenses incident to the
 21 evacuation.

22 (c) Each period for which payment of amounts is made under this
 23 section to or for the account of an employee is deemed, for all purposes
 24 with respect to the employee, a period of active service, without break
 25 in service, performed by the employee in the employment of the Gov-
 26 ernment of the United States or the government of the District of
 27 Columbia.

28 § 5524. Review of accounts

29 The head of each agency shall provide for—

30 (1) the review of the account of each employee of the agency
 31 in receipt of payments under section 5522 or 5523 of this title, or
 32 both, as the case may be; and

33 (2) the adjustment of the amounts of the payments on the
 34 basis of—

35 (A) the rates of pay, allowances, and differentials to which
 36 the employee would have been entitled under applicable
 37 statute other than this subchapter for the respective periods
 38 covered by the payments, if he had performed active service
 39 under the terms of his appointment during each period in the
 40 position he held immediately before the issuance of the appli-
 41 cable evacuation order; and

(B) such additional amounts as the employee is authorized to receive in accordance with a determination of the President under section 5523(b) of this title.

§ 5525. Allotment and assignment of pay

The head of each agency may establish procedures under which each employee of the agency is permitted to make allotments and assignments of amounts out of his pay for such purpose as the head of the agency considers appropriate.

§ 5526. Funds available on reimbursable basis

Funds available to an agency for payment of pay, allowances, and differentials to or for the accounts of employees of the agency are available on a reimbursable basis for payment of pay, allowances, and differentials to or for the accounts of employees of another agency under this subchapter.

§ 5527. Regulations

(a) To the extent practicable in the public interest, the President shall coordinate the policies and procedures of the respective Executive agencies under this subchapter.

(b) The President, with respect to the Executive agencies, and the head of the agency concerned, with respect to the appropriate agency outside the executive branch, shall prescribe and issue, or provide for the formulation and issuance of, regulations necessary and appropriate to carry out the provisions, accomplish the purposes, and govern the administration of this subchapter.

(c) The head of each Executive agency may prescribe and issue regulations, not inconsistent with the regulations of the President issued under subsection (b) of this section, necessary and appropriate to carry out his functions under this subchapter.

SUBCHAPTER IV—DUAL PAY AND DUAL EMPLOYMENT

§ 5531. Definitions

For the purpose of sections 5532 and 5533 of this title—

(1) “officer” has the meaning given it by section 101 of title 37; and

(2) “position” means a civilian office or position (including a temporary, part-time, or intermittent position), appointive or elective, in the legislative, executive, or judicial branch of the Government of the United States (including a Government corporation and a nonappropriated fund instrumentality under the jurisdiction of the armed forces) or in the government of the District of Columbia.

1 § 5532. **Employment of retired officers of the uniformed services;**
 2 **reduction in retired or retirement pay; exceptions**

3 (a) For the purpose of this section, "period for which he receives
 4 pay" means the full calendar period for which a retired officer of a
 5 regular component of a uniformed service receives the pay of a posi-
 6 tion when employed on a full-time basis, but only the days for which
 7 he actually receives that pay when employed on a part-time or inter-
 8 mittent basis.

9 (b) A retired officer of a regular component of a uniformed service
 10 who holds a position is entitled to receive the full pay of the position,
 11 but during the period for which he receives pay, his retired or retire-
 12 ment pay shall be reduced to an annual rate equal to the first \$2,000
 13 of the retired or retirement pay plus one-half of the remainder, if
 14 any. In the operation of the formula for the reduction of retired or
 15 retirement pay under this subsection, the amount of \$2,000 shall be
 16 increased, from time to time, by appropriate percentage, in direct
 17 proportion to each increase in retired or retirement pay under section
 18 1401a(b) of title 10 to reflect changes in the Consumer Price Index.

19 (c) The reduction in retired or retirement pay required by subsec-
 20 tion (b) of this section does not apply to a retired officer of a regular
 21 component of a uniformed service—

22 (1) whose retirement was based on disability—

23 (A) resulting from injury or disease received in line of
 24 duty as a direct result of armed conflict; or

25 (B) caused by an instrumentality of war and incurred in
 26 line of duty during a period of war as defined by sections 101
 27 and 301 of title 38; or

28 (2) employed on a temporary (full-time or part-time) basis,
 29 any other part-time basis, or an intermittent basis, for the first
 30 30-day period for which he receives pay.

31 The exemption from reduction in retired or retirement pay under
 32 paragraph (2) of this subsection does not apply longer than—

33 (i) the first 30-day period for which he receives pay under one
 34 appointment from the position in which he is employed, if he is
 35 serving under not more than one appointment; and

36 (ii) the first period for which he receives pay under more than
 37 one appointment, in a fiscal year, which consists in the aggregate
 38 of 30 days, from all positions in which he is employed, if he is
 39 serving under more than one appointment in that fiscal year.

40 (d) Except as otherwise provided by this subsection, the Civil Serv-

ice Commission, subject to the supervision and control of the President, may prescribe regulations under which exceptions may be made to the restrictions in subsection (b) of this section when appropriate authority determines that the exceptions are warranted because of special or emergency employment needs which otherwise cannot be readily met. The President of the Senate with respect to the United States Senate, the Speaker of the House of Representatives with respect to the United States House of Representatives, and the Architect of the Capitol with respect to the Office of the Architect of the Capitol each may provide for a means by which exceptions may be made to the restrictions in subsection (b) of this section when he determines that the exceptions are warranted because of special or emergency employment needs which otherwise cannot be readily met. The Administrator of the National Aeronautics and Space Administration may except, at any time, an individual appointed to a scientific, engineering, or administrative position under section 2473(b)(2)(A) of title 42 from the restrictions in subsection (b) of this section when he determines that the exception is warranted because of special or emergency employment needs which otherwise cannot be readily met, but not more than 30 exceptions may exist at any one time under this authority.

§ 5533. Dual pay from more than one position; limitations; exceptions

(a) Except as provided by subsections (b), (c), and (d) of this section, an individual is not entitled to receive basic pay from more than one position for more than an aggregate of 40 hours of work in one calendar week (Sunday through Saturday).

(b) Except as otherwise provided by subsection (c) of this section, the Civil Service Commission, subject to the supervision and control of the President, may prescribe regulations under which exceptions may be made to the restrictions in subsection (a) of this section when appropriate authority determines that the exceptions are warranted because personal services otherwise cannot be readily obtained.

(c) Unless otherwise authorized by law, appropriated funds are not available for payment to an individual of pay from more than one position if the aggregate amount of the basic pay from the positions is more than \$2,000 a year, and if—

(1) the pay of one of the positions is paid by the Secretary of the Senate or the Clerk of the House of Representatives; or

(2) one of the positions is under the Office of the Architect of the Capitol.

1 (d) Subsection (a) of this section does not apply to—

2 (1) pay on a when-actually-employed basis received from more
3 than one consultant or expert position if the pay is not received
4 for the same hours of the same day;

5 (2) pay consisting of fees paid on other than a time basis;

6 (3) pay received by a teacher of the public schools of the Dis-
7 trict of Columbia for employment in a position during the summer
8 vacation period;

9 (4) pay paid by the Tennessee Valley Authority to an em-
10 ployee performing part-time or intermittent work in addition to
11 his normal duties when the Authority considers it to be in the
12 interest of efficiency and economy;

13 (5) pay received by an individual holding a position—

14 (A) the pay of which is paid by the Secretary of the Sen-
15 ate or the Clerk of the House of Representatives; or

16 (B) under the Architect of the Capitol;

17 (6) pay paid by the United States Coast Guard to an employee
18 occupying a part-time position of lamplighter; and

19 (7) pay within the purview of any of the following statutes:

20 (A) section 162 of title 2;

21 (B) section 23(b) of title 13;

22 (C) section 327 of title 15;

23 (D) section 907 of title 20;

24 (E) section 873 of title 33;

25 (F) section 3335 (a) or (c) of title 39;

26 (G) section 631 or 631a of title 31, District of Columbia
27 Code; or

28 (H) section 102 of title 2, Canal Zone Code.

29 (e) This section does not apply to an individual employed under
30 sections 174j-1 to 174j-7 or 174k of title 40.

31 **§ 5534. Dual employment and pay of Reserves and National**
32 **Guardsmen**

33 A Reserve of the armed forces or member of the National Guard
34 may accept a civilian office or position under the Government of the
35 United States or the government of the District of Columbia, and he
36 is entitled to receive the pay of that office or position in addition to pay
37 and allowances as a Reserve or member of the National Guard.

38 **§ 5535. Extra pay for details prohibited**

39 (a) An officer may not receive pay in addition to the pay for his
40 regular office for performing the duties of a vacant office as authorized
41 by sections 3345-3347 of this title.

(b) An employee may not receive—

(1) additional pay or allowances for performing the duties of another employee; or

(2) pay in addition to the regular pay received for employment held before his appointment or designation as acting for or instead of an occupant of another position or employment.

This subsection does not prevent a regular and permanent appointment by promotion from a lower to a higher grade of employment.

§ 5536. Extra pay for extra services prohibited

An employee or a member of a uniformed service whose pay or allowance is fixed by statute or regulation may not receive additional pay or allowance for the disbursement of public money or for any other service or duty, unless specifically authorized by law and the appropriation therefor specifically states that it is for the additional pay or allowance.

§ 5537. Fees for jury service in courts of the United States

An employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia may not receive fees for jury service in a court of the United States.

SUBCHAPTER V—PREMIUM PAY

§ 5541. Definitions

For the purpose of this subchapter—

(1) “agency” means—

(A) an Executive agency;

(B) a military department;

(C) an agency in the judicial branch;

(D) the Library of Congress;

(E) the Botanic Garden;

(F) the Office of the Architect of the Capitol; and

(G) the government of the District of Columbia; and

(2) “employee” means—

(A) an employee in or under an Executive agency;

(B) an individual employed by the government of the District of Columbia; and

(C) an employee in or under the judicial branch, the Library of Congress, the Botanic Garden, and the Office of the Architect of the Capitol, who occupies a position subject to chapter 51 and subchapter III of chapter 53 of this title;

but does not include—

(i) a justice or judge of the United States;

1 (ii) the head of an agency other than the government of
2 the District of Columbia;

3 (iii) a teacher, school official, or employee of the Board
4 of Education of the District of Columbia, whose pay is fixed
5 under chapter 15 of title 31, District of Columbia Code;

6 (iv) a member of the Metropolitan Police, the Fire De-
7 partment of the District of Columbia, the United States
8 Park Police, or the White House Police;

9 (v) a student-employee as defined by section 5351 of this
10 title;

11 (vi) an employee in the postal field service;

12 (vii) an employee outside the continental United States
13 or in Alaska who is paid in accordance with local native
14 prevailing wage rates for the area in which employed;

15 (viii) an employee of the Tennessee Valley Authority;

16 (ix) an individual to whom section 1291(a) of title 50,
17 appendix, applies;

18 (x) an employee of a Federal land bank, a Federal inter-
19 mediate credit bank, or a bank for cooperatives;

20 (xi) an employee whose basic pay is fixed and adjusted
21 from time to time in accordance with prevailing rates by
22 a wage board or similar administrative authority serving the
23 same purpose, except as provided by section 5544 of this title;

24 (xii) an employee of the Transportation Corps of the
25 Army on a vessel operated by the United States, a vessel
26 employee of the Coast and Geodetic Survey, a vessel employee
27 of the Department of the Interior, or a vessel employee of
28 the Panama Canal Company; or

29 (xiii) a "teacher" or an individual holding a "teaching
30 position" as defined by section 901 of title 20.

31 § 5542. Overtime rates; computation

32 (a) Hours of work officially ordered or approved in excess of 40
33 hours in an administrative workweek performed by an employee are
34 overtime work and shall be paid for, except as otherwise provided by
35 this subchapter, at the following rates:

36 (1) For an employee whose basic pay is at a rate which does
37 not exceed the minimum rate of basic pay for GS-9, the overtime
38 hourly rate of pay is an amount equal to one and one-half times
39 the hourly rate of basic pay of the employee, and all that amount
40 is premium pay.

(2) For an employee whose basic pay is at a rate which exceeds the minimum rate of basic pay for GS-9, the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of the minimum rate of basic pay for GS-9, and all that amount is premium pay.

(b) For the purpose of this subchapter—

(1) unscheduled overtime work performed by an employee on a day when work was not scheduled for him, or for which he is required to return to his place of employment, is deemed at least 2 hours in duration; and

(2) time spent in a travel status away from the official-duty station of an employee is not hours of employment unless—

(A) the time spent is within the days and hours of the regularly scheduled administrative workweek of the employee, including regularly scheduled overtime hours; or

(B) the travel involves the performance of work while traveling or is carried out under arduous conditions.

§ 5543. Compensatory time off

(a) The head of an agency may—

(1) on request of an employee, grant the employee compensatory time off from his scheduled tour of duty instead of payment for an equal amount of time spent in irregular or occasional overtime work; and

(2) provide that an employee whose rate of basic pay is in excess of the maximum rate of basic pay for GS-9 shall be granted compensatory time off from his scheduled tour of duty equal to the amount of time spent in irregular or occasional overtime work instead of being paid for that work under section 5542 of this title.

(b) The Architect of the Capitol may grant an employee paid on an annual basis compensatory time off from duty instead of overtime pay for overtime work.

§ 5544. Wage-board overtime rates; computation

(a) An employee whose basic rate of pay is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose is entitled to overtime pay for overtime work in excess of 8 hours a day or 40 hours a week. However, an employee subject to this subsection who regularly is required to remain at or within the confines of his post of duty in excess of 8 hours a day in a standby or on-call status is entitled

1 to overtime pay only for hours of duty, exclusive of eating and sleep-
 2 ing time, in excess of 40 a week. The overtime hourly rate of pay is
 3 computed as follows:

4 (1) If the basic rate of pay of the employee is fixed on a basis
 5 other than an annual or monthly basis, multiply the basic hourly
 6 rate of pay by not less than one and one-half.

7 (2) If the basic rate of pay of the employee is fixed on an
 8 annual basis, divide the basic annual rate of pay by 2,080, and
 9 multiply the quotient by one and one-half.

10 (3) If the basic rate of pay of the employee is fixed on a monthly
 11 basis, multiply the basic monthly rate of pay by 12 to derive a
 12 basic annual rate of pay, divide the basic annual rate of pay by
 13 2,080, and multiply the quotient by one and one-half.

14 (b) An employee under the Office of the Architect of the Capitol
 15 who is paid on a daily or hourly basis and who is not subject to chapter
 16 51 and subchapter III of chapter 53 of this title is entitled to overtime
 17 pay for overtime work in accordance with subsection (a) of this sec-
 18 tion. The overtime hourly rate of pay is computed in accordance with
 19 subsection (a) (1) of this section.

20 **§ 5545. Night, standby, and irregular duty differential**

21 (a) Except as provided by subsection (b) of this section, nightwork
 22 is regularly scheduled work between the hours of 6:00 p.m. and 6:00
 23 a.m., and includes—

24 (1) periods of absence with pay during these hours due to
 25 holidays; and

26 (2) periods of leave with pay during these hours if the periods
 27 of leave with pay during a pay period total less than 8 hours.

28 Except as otherwise provided by subsection (c) of this section, an em-
 29 ployee is entitled to pay for nightwork at his rate of basic pay plus
 30 premium pay amounting to 10 percent of that basic rate. This sub-
 31 section and subsection (b) of this section do not modify section 180
 32 of title 31, or other statute authorizing additional pay for nightwork.

33 (b) The head of an agency may designate a time after 6:00 p.m. and
 34 a time before 6:00 a.m. as the beginning and end, respectively, of night-
 35 work for the purpose of subsection (a) of this section, at a post out-
 36 side the United States where the customary hours of business extend
 37 into the hours of nightwork provided by subsection (a) of this section.

38 (c) The head of an agency, with the approval of the Civil Service
 39 Commission, may provide that—

40 (1) an employee in a position requiring him regularly to remain
 41 at, or within the confines of, his station during longer than ordi-

nary periods of duty, a substantial part of which consists of remaining in a standby status rather than performing work, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for irregular, unscheduled overtime duty in excess of his regularly scheduled weekly tour. Premium pay under this paragraph is determined as an appropriate percentage, not in excess of 25 percent, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-9, by taking into consideration the number of hours of actual work required in the position, the number of hours required in a standby status at or within the confines of the station, the extent to which the duties of the position are made more onerous by night or holiday work, or by being extended over periods of more than 40 hours a week, and other relevant factors; or

(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty and duty at night and on holidays with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime duty. Premium pay under this paragraph is determined as an appropriate percentage, not in excess of 15 percent, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-9, by taking into consideration the frequency and duration of night, holiday, and unscheduled overtime duty required in the position.

§ 5546. Pay for holiday work

(a) An employee who performs work on a holiday designated by Federal statute, Executive order, or with respect to an employee of the government of the District of Columbia, by order of the Board of Commissioners of the District of Columbia, is entitled to pay at the rate of his basic pay, plus premium pay at a rate equal to the rate of his basic pay, for that holiday work which is not—

(1) in excess of 8 hours; or

(2) overtime work as defined by section 5542(a) of this title.

(b) An employee who is required to perform any work on a designated holiday is entitled to pay for at least 2 hours of holiday work.

(c) An employee who performs overtime work as defined by section

1 5442(a) of this title on a Sunday or a designated holiday is entitled
 2 to pay for that overtime work in accordance with section 5542(a) of
 3 this title.

4 (d) Premium pay under this section is in addition to premium pay
 5 which may be due for the same work under section 5545 (a) and (b)
 6 of this title, providing premium pay for nightwork.

7 **§ 5547. Limitation on premium pay**

8 An employee may be paid premium pay under this subchapter only
 9 to the extent that the payment does not cause his aggregate rate of pay
 10 for any pay period to exceed the maximum rate for GS-15.

11 **§ 5548. Regulations**

12 The Civil Service Commission may prescribe regulations, subject
 13 to the approval of the President, necessary for the administration of
 14 this subchapter, except section 5544, insofar as this subchapter affects
 15 employees in or under the executive branch.

16 **§ 5549. Effect on other statutes**

17 This subchapter does not prevent payment for overtime services or
 18 for Sunday or holiday work under any of the following statutes—

- 19 (1) section 394 of title 7;
- 20 (2) sections 1353a and 1353b of title 8;
- 21 (3) sections 261, 267, 1450, 1451, 1451a, and 1452 of title 19;
- 22 (4) section 382b of title 46; and
- 23 (5) section 154(f)(3) of title 47.

24 However, an employee may not receive premium pay under this sub-
 25 chapter for the same services for which he is paid under one of these
 26 statutes.

27 **SUBCHAPTER VI—PAYMENT FOR ACCUMULATED AND**
 28 **ACCRUED LEAVE**

29 **§ 5551. Lump-sum payment for accumulated and accrued leave on**
 30 **separation**

31 (a) An employee as defined by section 2105 of this title or an indi-
 32 vidual employed by the government of the District of Columbia, who
 33 is separated from the service or elects to receive a lump-sum payment
 34 for leave under section 5552 of this title, is entitled to receive a lump-
 35 sum payment for accumulated and current accrued annual or vacation
 36 leave to which he is entitled by statute. The lump-sum payment shall
 37 equal the pay the employee or individual would have received had he
 38 remained in the service until expiration of the period of the annual or
 39 vacation leave, except that it may not exceed pay for a period of annual
 40 or vacation leave in excess of 30 days or the number of days carried
 41 over to his credit at the beginning of the leave year in which entitle-

1 ment to payment occurs, whichever is greater. The lump-sum pay-
2 ment is considered pay for taxation purposes only.

3 (b) The accumulated and current accrued annual leave to which an
4 officer excepted from subchapter I of chapter 63 of this title by section
5 6301(2) (x)–(xii) of this title, is entitled immediately before the date
6 he is excepted under that section shall be liquidated by a lump-sum
7 payment in accordance with subsection (a) of this section or sub-
8 chapter VIII of this chapter, except that the payment is—

9 (1) based on the rate of pay which he was receiving immedi-
10 ately before the date on which section 6301(2) (x)–(xii) of this
11 title became applicable to him; and

12 (2) made without regard to the limitation in subsection (a) of
13 this section on the amount of leave compensable.

14 **§ 5552. Lump-sum payment for accumulated and accrued leave on**
15 **entering active duty; election**

16 An employee as defined by section 2105 of this title or an individual
17 employed by a territory or possession of the United States or the gov-
18 ernment of the District of Columbia who enters on active duty in the
19 armed forces is entitled to—

20 (1) receive, in addition to his pay and allowances from the
21 armed forces, a lump-sum payment for accumulated and current
22 accrued annual or vacation leave in accordance with section 5551
23 of this title; or

24 (2) elect to have the leave remain to his credit until his return
25 from active duty.

26 **SUBCHAPTER VII—PAYMENTS TO MISSING**
27 **EMPLOYEES**

28 **§ 5561. Definitions**

29 For the purpose of this subchapter—

30 (1) “agency” means an Executive agency and a military
31 department;

32 (2) “employee” means an employee in or under an agency who
33 is a citizen or national of the United States or an alien admitted
34 to the United States for permanent residence, but does not include
35 a part-time or intermittent employee or native labor casually hired
36 on an hourly or daily basis. However, such an employee who
37 enters a status listed in paragraph 5 (A)–(E) of this section—

38 (A) inside the continental United States; or

39 (B) who is a resident at or in the vicinity of his place of
40 employment in a territory or possession of the United States

1 or in a foreign country and who was not living there solely
2 as a result of his employment;

3 is an employee for the purpose of this subchapter only on a deter-
4 mination by the head of the agency concerned that this status is
5 the proximate result of employment by the agency;

6 (3) "dependent" means—

7 (A) a wife;

8 (B) an unmarried child (including an unmarried depend-
9 ent stepchild or adopted child) under 21 years of age;

10 (C) a dependent mother or father;

11 (D) a dependent designated in official records; and

12 (E) an individual determined to be dependent by the head
13 of the agency concerned or his designee;

14 (4) "active service" means active Federal service by an
15 employee;

16 (5) "missing status" means the status of an employee who is
17 in active service and is officially carried or determined to be absent
18 in a status of—

19 (A) missing;

20 (B) missing in action;

21 (C) interned in a foreign country;

22 (D) captured, beleaguered, or besieged by a hostile force;

23 or

24 (E) detained in a foreign country against his will;

25 but does not include the status of an employee for a period during
26 which he is officially determined to be absent from his post of
27 duty without authority; and

28 (6) "pay and allowances" means—

29 (A) basic pay;

30 (B) special pay;

31 (C) incentive pay;

32 (D) basic allowance for quarters;

33 (E) basic allowance for subsistence; and

34 (F) station per diem allowances for not more than 90 days.

35 **§ 5562. Pay and allowances; continuance while in a missing**
36 **status; limitations**

37 (a) An employee in a missing status is entitled to receive or have
38 credited to his account, for the period he is in that status, the same
39 pay and allowances to which he was entitled at the beginning of that
40 period or may become entitled thereafter.

(b) Entitlement to pay and allowances under subsection (a) of this section ends on the date of—

(1) receipt by the head of the agency concerned of evidence that the employee is dead; or

(2) death prescribed or determined under section 5565 of this title.

That entitlement does not end—

(A) on the expiration of the term of service or employment of an employee while he is in a missing status; or

(B) earlier than the dates prescribed in paragraphs (1) and (2) of this subsection if the employee dies while he is in a missing status.

(c) An employee who is officially determined to be absent from his post of duty without authority is indebted to the United States for payments of amounts credited to his account under subsection (a) of this section for the period of that absence.

(d) When an employee in a missing status is continued in that status under section 5565 of this title, he continues to be entitled to have pay and allowances credited under subsection (a) of this section.

§ 5563. Allotments; continuance, suspension, initiation, resumption, or increase while in a missing status; limitations

(a) An allotment (including one for the purchase of United States savings bonds) made by an employee before he was in a missing status may be continued for the period he is in that status, notwithstanding the end of the period for which the allotment was made.

(b) In the absence of an allotment or when an allotment is insufficient for a purpose authorized by the head of the agency concerned, he or his designee may authorize such a new or increased allotment as circumstances warrant, which is payable for the period the employee concerned is in a missing status.

(c) All allotments from the pay and allowances of an employee in a missing status may not total more than the amount of pay and allowances he is permitted to allot under regulations prescribed by the head of the agency concerned.

(d) A premium paid by the United States on insurance issued on the life of an employee, which is unearned because it covers a period after his death, reverts to the appropriation of the agency concerned.

(e) Subject to subsections (f) and (g) of this section, the head of the agency concerned or his designee may direct the initiation, continuance, discontinuance, increase, decrease, suspension, or resumption of

1 an allotment from the pay and allowances of an employee in a missing
 2 status when that action is in the interests of the employee, his depend-
 3 ents, or the United States.

4 (f) When the head of the agency concerned officially reports that
 5 an employee in a missing status is alive, an allotment under subsec-
 6 tions (a)–(d) of this section may be paid, subject to section 5562 of this
 7 title, until the date the head of the agency concerned receives evidence
 8 that the employee is dead or has returned to the controllable jurisdic-
 9 tion of the agency concerned.

10 (g) When an employee in a missing status is continued in that status
 11 under section 5565 of this title, an allotment under subsections (a)–(d)
 12 of this section may be continued, increased, or initiated.

13 (h) When the head of the agency concerned considers it essential
 14 for the well-being and protection of the dependents of an employee in
 15 active service (other than an employee in a missing status), he may,
 16 with or without the consent of the employee and subject to termination
 17 on specific request of the employee—

18 (1) direct the payment of a new allotment from the pay of the
 19 employee;

20 (2) increase or decrease the amount of an allotment made by
 21 the employee; and

22 (3) continue payment of an allotment of the employee which
 23 has expired.

24 **§ 5564. Travel and transportation; dependents; household and**
 25 **personal effects; motor vehicles; sale of bulky items;**
 26 **claims for proceeds; appropriation chargeable**

27 (a) For the purpose of this section, “household and personal effects”
 28 and “household effects” may include, in addition to other authorized
 29 weight allowances, one privately owned motor vehicle which may be
 30 shipped at United States expense when it is located outside the United
 31 States or in Alaska or Hawaii.

32 (b) Transportation (including packing, crating, draying, tem-
 33 porarily storing, and unpacking of household and personal effects)
 34 may be provided for the dependents and household and personal
 35 effects of an employee in active service (without regard to pay grade)
 36 who is officially reported as dead, injured, or absent for more than 29
 37 days in a status listed in section 5561 (5) (A)–(E) of this title to—

38 (1) the official residence of record for the employee;

39 (2) the residence of his dependent, next of kin, or other person
 40 entitled to the effects under regulations prescribed by the head of
 41 the agency concerned; or

(3) another location determined in advance or later approved by the head of the agency concerned or his designee on request of the employee (if injured) or his dependent, next of kin, or other person described in paragraph (2) of this subsection.

(c) When an employee described in subsection (b) of this section is in an injured status, transportation of dependents and household and personal effects may be provided under this section only when prolonged hospitalization or treatment is anticipated.

(d) Transportation on request of a dependent may be authorized under this section only when there is a reasonable relationship between the circumstances of the dependent and the destination requested.

(e) Instead of providing transportation for dependents under this section, when the travel has been completed the head of the agency concerned may authorize—

(1) reimbursement for the commercial cost of the transportation; or

(2) a monetary allowance, instead of transportation, as authorized by statute for the whole or that part of the travel for which transportation in kind was not furnished.

(f) The head of the agency concerned may store the household and personal effects of an employee described in subsection (b) of this section until proper disposition can be made. The cost of the storage and transportation (including packing, crating, draying, temporarily storing, and unpacking) of household and personal effects shall be charged against appropriations currently available.

(g) When the head of the agency concerned determines that an emergency exists and that a sale would be in the best interests of the United States, he may provide for the public or private sale of motor vehicles and other bulky items of the household and personal effects of an employee described in subsection (b) of this section. Before a sale, and if practicable, a reasonable effort shall be made to determine the desires of interested persons. The net proceeds from the sale shall be sent to the owner or other person entitled thereto under regulations prescribed by the head of the agency concerned. If there is no owner or other person entitled thereto, or if the owner or other person or their addresses are not ascertained within 1 year from the date of sale, the net proceeds may be covered into the Treasury of the United States as miscellaneous receipts.

(h) A claim for net proceeds covered into the Treasury under subsection (g) of this section may be filed with the General Accounting Office by the owner, his heir or next of kin, or his legal representative

1 at any time before the end of 5 years from the date the proceeds are
 2 covered into the Treasury. When a claim is filed, the General Ac-
 3 counting Office shall allow or disallow it. A claim that is allowed
 4 shall be paid from the appropriation for refunding money erroneously
 5 received and covered. If a claim is not filed before the end of 5 years
 6 from the date the proceeds are covered into the Treasury, it is barred
 7 from being acted on by the General Accounting Office or the courts.

8 (i) This section does not amend or repeal—

- 9 (1) section 2575, 2733, 4712, 4713, 6522, 9712, or 9713 of title 10;
- 10 (2) section 507 of title 14; or
- 11 (3) chapter 171 of title 28.

12 § 5565. Agency review

13 (a) When an employee has been in a missing status almost 12
 14 months and no official report of his death or the circumstances of his
 15 continued absence has been received by the head of the agency con-
 16 cerned, he shall have the case fully reviewed. After that review and
 17 the end of 12 months in a missing status, or after any later review
 18 which shall be made when warranted by information received or other
 19 circumstances, the head of the agency concerned or his designee may—

- 20 (1) direct the continuance of his missing status, if there is a
- 21 reasonable presumption that the employee is alive; or
- 22 (2) make a finding of death.

23 (b) When a finding of death is made under subsection (a) of this
 24 section, it shall include the date death is presumed to have occurred for
 25 the purpose of the ending of crediting pay and allowances and settle-
 26 ment of accounts. That date is—

- 27 (1) the day after the day on which the 12 months in a missing
- 28 status ends; or
- 29 (2) a day determined by the head of the agency concerned or
- 30 his designee when the missing status has been continued under
- 31 subsection (a) of this section.

32 (c) For the purpose of determining status under this section, a
 33 dependent of an employee in active service is deemed an employee. A
 34 determination under this section made by the head of the agency con-
 35 cerned or his designee is conclusive on all other agencies of the United
 36 States. This section does not entitle a dependent to pay, allowances,
 37 or other compensation to which he is not otherwise entitled.

38 § 5566. Agency determinations

39 (a) The head of the agency concerned or his designee may make

1 any determination necessary to administer this subchapter, and when
2 so made it is conclusive as to—

- 3 (1) death or finding of death;
- 4 (2) the fact of dependency under this subchapter;
- 5 (3) any other status covered by this subchapter;
- 6 (4) an essential date, including one on which evidence or in-
7 formation is received by the head of the agency concerned; and
- 8 (5) whether information received concerning an employee is
9 to be construed and acted on as an official report of death.

10 (b) When the head of the agency concerned receives information
11 that he considers to conclusively establish the death of an employee,
12 he shall take action thereon as an official report of death, notwith-
13 standing an earlier action relating to death or other status of the
14 employee. After the end of 12 months in a missing status prescribed
15 by section 5565 of this title, the head of the agency concerned or his
16 designee shall make a finding of death when he considers that the
17 information received, or a lapse of time without information, estab-
18 lishes a reasonable presumption that an employee in a missing status
19 is dead.

20 (c) The head of the agency concerned or his designee may deter-
21 mine the entitlement of an employee to pay and allowances under this
22 subchapter, including credits and charges in his account, and that
23 determination is conclusive. An account may not be charged or deb-
24 ited with an amount that an employee captured, beleaguered, or be-
25 sieged by a hostile force may receive or be entitled to receive from, or
26 have placed to his credit by, the hostile force as pay, allowances, or
27 other compensation.

28 (d) When circumstances warrant the reconsideration of a determi-
29 nation made under this subchapter, the head of the agency concerned
30 or his designee may change or modify it.

31 (e) When the account of an employee has been charged or debited
32 with an allotment paid under this subchapter, the amount so charged
33 or debited shall be recredited to the account of the employee if the head
34 of the agency concerned or his designee determines that the payment
35 was induced by fraud or misrepresentation to which the employee was
36 not a party.

37 (f) Except an allotment for an unearned insurance premium, an
38 allotment paid from the pay and allowances of an employee for the
39 period he is in a missing status may not be collected from the allottee

1 as an overpayment when payment was caused by delay in receiving
2 evidence of death. An allotment paid for a period after the end, under
3 this subchapter or otherwise, of entitlement to pay and allowances may
4 not be collected from the allottee or charged against the pay of a
5 deceased employee when payment was caused by delay in receiving evi-
6 dence of death.

7 (g) The head of the agency concerned or his designee may waive the
8 recovery of an erroneous payment or overpayment of an allotment to
9 a dependent if he considers recovery is against equity and good con-
10 science.

11 (h) For the purpose of determining status under this section, a
12 dependent of an employee in active service is deemed an employee. A
13 determination under this section made by the head of the agency
14 concerned or his designee is conclusive on all other agencies of the
15 United States. This section does not entitle a dependent to pay, allow-
16 ances, or other compensation to which he is not otherwise entitled.

17 **§ 5567. Settlement of accounts**

18 (a) The head of the agency concerned or his designee may settle
19 the accounts of—

20 (1) an employee for whose account payment has been made un-
21 der sections 5562, 5563, and 5565 of this title; and

22 (2) a survivor of a casualty to a ship, station, or military in-
23 stallation which results in the loss or destruction of disbursing
24 records.

25 That settlement is conclusive on the accounting officials of the United
26 States in settling the accounts of disbursing officials.

27 (b) Payment or settlement of an account made pursuant to a report,
28 determination, or finding of death may not be recovered or reopened
29 because of a later report or determination which fixes a date of death.
30 However, an account shall be reopened and settled on the basis of a
31 date of death so fixed which is later than that used as a basis for
32 earlier settlement.

33 (c) In settling the accounts of a disbursing official, he is entitled to
34 credit for an erroneous payment or overpayment made by him in car-
35 rying out this subchapter, except section 5568, if there is no fraud or
36 criminality by him. Recovery may not be made from an individual
37 who authorizes a payment under this subchapter, except section 5568,
38 if there is no fraud or criminality by him.

39 **§ 5568. Income tax deferment**

40 Notwithstanding other statutes, in the case of a taxable year begin-
41 ning after December 31, 1940, any Federal income tax return of, or

the payment of any Federal income tax by, an employee who, at the time the return or payment would otherwise become due, is in a missing status does not become due until the earlier of the following dates:

(1) the fifteenth day of the third month in which he ceased (except because of death or incompetency) being in a missing status, unless before the end of that fifteenth day he is again in a missing status; or

(2) the fifteenth day of the third month after the month in which an executor, administrator, or conservator of the estate of the taxpayer is appointed.

That due date is prescribed subject to the power of the Secretary of the Treasury or his delegate to extend the time for filing the return or paying the tax, as in other cases, and to assess and collect the tax as provided by sections 6851, 6861, and 6871 of title 26 in cases in which the assessment or collection is jeopardized and in cases of bankruptcy or receivership.

SUBCHAPTER VIII—SETTLEMENT OF ACCOUNTS

§ 5581. Definitions

For the purpose of this subchapter—

(1) “employee” means—

(A) an employee as defined by section 2105 of this title;

and

(B) an individual employed by the government of the District of Columbia;

but does not include an employee of—

(i) a Federal land bank;

(ii) a Federal intermediate credit bank; or

(iii) a regional bank for cooperatives;

(2) “money due” means the pay and allowances due on account of the services of a deceased employee for the Government of the United States or the government of the District of Columbia.

It includes, but is not limited to—

(A) per diem instead of subsistence, mileage, and amounts due in reimbursement of travel expenses, including incidental and miscellaneous expenses in connection therewith for which reimbursement is due;

(B) allowances on change of official station;

(C) quarters and cost-of-living allowances and overtime or premium pay;

(D) amounts due for payment of cash awards for employees' suggestions;

1 (E) amounts due as refund of pay deductions for United
2 States savings bonds;

3 (F) payment for accumulated and current accrued annual
4 or vacation leave equal to the pay the deceased employee
5 would have received had he lived and remained in the service
6 until the end of the period of annual or vacation leave;

7 (G) amounts of checks drawn for pay and allowances which
8 were not delivered by the Government to the employee during
9 his lifetime;

10 (H) amounts of unnegotiated checks returned to the Gov-
11 ernment because of the death of the employee; and

12 (I) retroactive pay under section 5344(a)(2) of this title.
13 It does not include benefits, refunds, or interest payable under
14 subchapter III of chapter 83 of this title applicable to the service
15 of the deceased employee, or amounts the disposition of which is
16 otherwise expressly prescribed by Federal statute.

17 **§ 5582. Designation of beneficiary; order of precedence**

18 (a) The employing agency shall notify each employee of his right
19 to designate a beneficiary or beneficiaries to receive money due, and of
20 the disposition of money due if a beneficiary is not designated. An
21 employee may change or revoke a designation at any time under such
22 regulations as the Comptroller General of the United States may
23 prescribe.

24 (b) In order to facilitate the settlement of the accounts of deceased
25 employees, money due an employee at the time of his death shall be
26 paid to the person or persons surviving at the date of death, in the
27 following order of precedence, and the payment bars recovery by
28 another person of amounts so paid:

29 First, to the beneficiary or beneficiaries designated by the
30 employee in a writing received in the employing agency before his
31 death.

32 Second, if there is no designated beneficiary, to the widow or
33 widower of the employee.

34 Third, if none of the above, to the child or children of the
35 employee and descendants of deceased children by representation.

36 Fourth, if none of the above, to the parents of the employee or
37 the survivor of them.

38 Fifth, if none of the above, to the duly appointed legal repre-
39 sentative of the estate of the employee.

40 Sixth, if none of the above, to the person or persons entitled

under the laws of the domicile of the employee at the time of his death.

§ 5583. Payment of money due; settlement of accounts

(a) Under such regulations as the Comptroller General of the United States may prescribe, the employing agency shall pay money due a deceased employee to the beneficiary designated by the employee under section 5582(b) of this title, or, if none, to the widow or widower of the employee.

(b) Except as the Comptroller General may by regulation otherwise authorize or direct, accounts not payable under subsection (a) of this section are payable on settlement of the General Accounting Office. However—

(1) accounts of employees of the government of the District of Columbia shall be paid by the District of Columbia;

(2) accounts of employees of the Canal Zone Government on the Isthmus of Panama shall be paid by the Canal Zone Government; and

(3) accounts of employees of Government corporations or mixed ownership Government corporations may be paid by the corporations.

SUBCHAPTER IX—BACK PAY

§ 5591. Back pay; individuals reinstated or restored after removal or suspension for cause

An individual removed or suspended under section 7501 of this title who, after filing a written answer to the charges under section 7501 of this title or after further appeal to proper authority after receipt of an adverse decision on the answer, is reinstated or restored to duty because the action was unjustified or unwarranted is—

(1) entitled to pay, at the rate received on the date of the removal or suspension, for the period for which he did not receive pay with respect to the position from which he was removed or suspended, less the amount he earned through other employment during that period; and

(2) deemed to have performed service during that period for all purposes except for the accumulation of leave.

Decision on an appeal to proper authority under this section shall be made at the earliest practicable date.

§ 5592. Back pay; preference eligibles reinstated or restored after removal, suspension, or furlough

An individual removed, suspended, or furloughed under section 7512 of this title who, after answering the reasons advanced for the

1 proposed adverse action under section 7512 of this title or after an
 2 appeal to the Civil Service Commission under section 7701 of this title,
 3 is reinstated or restored to duty because the action was unjustified or
 4 unwarranted is—

5 (1) entitled to pay, at the rate received on the date of the re-
 6 moval, suspension, or furlough, for the period for which he did
 7 not receive pay with respect to the position from which he was
 8 removed, suspended, or furloughed, less the amounts he earned
 9 through other employment during that period; and

10 (2) deemed to have performed service during that period for
 11 all purposes except for the accumulation of leave.

12 **§ 5593. Back pay; individuals reinstated or restored after reduc-**
 13 **tion in force**

14 An individual removed or furloughed without pay in a reduction
 15 in force who, after an appeal to proper authority, is reinstated or re-
 16 stored to duty because the action was unjustified or unwarranted is—

17 (1) entitled to pay, at the rate received on the date of the re-
 18 moval or furlough, for the period for which he did not receive
 19 pay with respect to the position from which he was removed or
 20 furloughed, less the amounts he earned through other employ-
 21 ment during that period; and

22 (2) deemed to have performed service during that period for
 23 all purposes except for the accumulation of leave.

24 Decision on an appeal to proper authority under this section shall
 25 be made at the earliest practicable date.

26 **§ 5594. Back pay; individuals reinstated or restored after suspen-**
 27 **sion or removal for national security**

28 An individual suspended or removed under section 7532 of this title
 29 who is reinstated or restored to duty under section 3571 of this title
 30 is entitled to pay in an amount not to exceed the amount he normally
 31 would have earned during the period of suspension or removal, at the
 32 rate received on the date of suspension or removal, for all or a part of
 33 the period for which he did not receive pay with respect to the position
 34 from which he was suspended or removed, less the amounts he earned
 35 through other employment during that period.

36 **CHAPTER 57—TRAVEL, TRANSPORTATION, AND**
 37 **SUBSISTENCE**

38 **SUBCHAPTER I—TRAVEL AND SUBSISTENCE**
 39 **EXPENSES; MILEAGE ALLOWANCES**

Sec.

5701. Definitions.

5702. Per diem; employees traveling on official business.

Sec.

5703. Per diem, travel, and transportation expenses; experts and consultants; individuals serving without pay.

5704. Mileage and related allowances.

5705. Advancements and deductions.

5706. Allowable travel expenses.

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SUBCHAPTER I—TRAVEL AND SUBSISTENCE EXPENSES; MILEAGE ALLOWANCES

§ 5701. Definitions

For the purpose of this subchapter—

(1) “agency” means—

(A) an Executive agency;

(B) a military department;

(C) an office, agency, or other establishment in the legislative branch;

(D) an office, agency, or other establishment in the judicial branch; and

(E) the government of the District of Columbia;

but does not include—

(i) a Government controlled corporation;

(ii) a Member of Congress; or

(iii) an office or committee of a House of Congress;

(2) “employee” means an individual employed in or under an agency;

1 (3) "subsistence" means lodging, meals, and other necessary
2 expenses for the personal sustenance and comfort of the traveler;

3 (4) "per diem allowance" means a daily flat rate payment in-
4 stead of actual expenses including actual expenses for subsistence
5 and fees or tips to porters and stewards;

6 (5) "Government" means the Government of the United States
7 and the government of the District of Columbia; and

8 (6) "continental United States" means the several States and
9 the District of Columbia, but does not include Alaska or Hawaii.

10 **§ 5702. Per diem; employees traveling on official business**

11 (a) An employee, while traveling on official business away from
12 his designated post of duty, is entitled to a per diem allowance pre-
13 scribed by the agency concerned. For travel inside the continental
14 United States, the per diem allowance may not exceed the rate of \$16.
15 For travel outside the continental United States, the per diem allow-
16 ance may not exceed the rate established by the President or his desig-
17 nee, who may be the Director of the Bureau of the Budget or another
18 officer of the Government of the United States, for the locality where
19 the travel is performed.

20 (b) An employee who, while traveling on official business away
21 from his designated post of duty, becomes incapacitated by illness
22 or injury not due to his own misconduct is entitled to the per diem
23 allowances, and transportation expenses to his designated post of duty,
24 under regulations prescribed under section 5707 of this title.

25 (c) Under regulations prescribed under section 5707 of this title, the
26 head of the agency concerned may prescribe conditions under which an
27 employee may be reimbursed for the actual and necessary expenses of
28 the trip, not to exceed an amount named in the travel authorization,
29 when the maximum per diem allowance would be much less than these
30 expenses due to the unusual circumstances of the travel assignment.
31 The amount named in the travel authorization may not exceed—

32 (1) \$30 for each day in a travel status inside the continental
33 United States; or

34 (2) the maximum per diem allowance plus \$10 for each day in a
35 travel status outside the continental United States.

36 (d) This section does not apply to a justice or judge covered by sec-
37 tion 456 of title 28.

38 **§ 5703. Per diem, travel, and transportation expenses; experts and**
39 **consultants; individuals serving without pay**

40 (a) For the purpose of this section, "appropriation" includes funds
41 made available by statute under section 849 of title 31.

(b) An individual employed intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis may be allowed travel expenses under this subchapter while away from his home or regular place of business, including a per diem allowance under this subchapter while at his place of employment.

(c) An individual serving without pay or at \$1 a year may be allowed transportation expenses and a per diem allowance under this subchapter while en route and at his place of service or employment away from his home or regular place of business. Unless a higher rate is named in an appropriation or other statute, the per diem allowance may not exceed—

(1) the rate of \$16 for travel inside the continental United States; and

(2) the rates established under section 5702(a) of this title for travel outside the continental United States.

(d) Under regulations prescribed under section 5707 of this title, the head of the agency concerned may prescribe conditions under which an individual to whom this section applies may be reimbursed for the actual and necessary expenses of the trip, not to exceed an amount named in the travel authorization, when the maximum per diem allowance would be much less than these expenses due to the unusual circumstances of the travel assignment. The amount named in the travel authorization may not exceed—

(1) \$30 for each day in a travel status inside the continental United States; or

(2) the maximum per diem allowance plus \$10 for each day in a travel status outside the continental United States.

§ 5704. Mileage and related allowances

(a) Under regulations prescribed under section 5707 of this title, an employee or other individual performing service for the Government, who is engaged on official business inside or outside his designated post of duty or place of service, is entitled to not in excess of—

(1) 8 cents a mile for the use of a privately owned motorcycle; or

(2) 12 cents a mile for the use of a privately owned automobile or airplane;

instead of the actual expenses of transportation when that mode of transportation is authorized or approved as more advantageous to the Government. A determination of advantage is not required when

1 payment on a mileage basis is limited to the cost of travel by common
2 carrier including per diem.

3 (b) In addition to the mileage allowance under subsection (a) of
4 this section, the employee or other individual performing service for
5 the Government may be reimbursed for—

- 6 (1) parking fees;
- 7 (2) ferry fares; and
- 8 (3) bridge, road, and tunnel tolls.

9 **§ 5705. Advancements and deductions**

10 — An agency may advance, through the proper disbursing official, to
11 an employee or individual entitled to per diem or mileage allowances
12 under this subchapter, a sum considered advisable with regard to
13 the character and probable duration of the travel to be performed. A
14 sum advanced and not used for allowable travel expenses is recoverable
15 from the employee or individual or his estate by—

- 16 (1) setoff against accrued pay, retirement credit, or other
17 amount due the employee or individual;
- 18 (2) deduction from an amount due from the United States;
- 19 and
- 20 (3) such other method as is provided by law.

21 **§ 5706. Allowable travel expenses**

22 — Except as otherwise permitted by this subchapter or by statutes re-
23 lating to members of the uniformed services, only actual and necessary
24 travel expenses may be allowed to an individual holding employ-
25 ment or appointment under the United States.

26 **§ 5707. Regulations**

27 The Director of the Bureau of the Budget shall prescribe regulations
28 necessary for the administration of this subchapter. The fixing, pay-
29 ment, advancement, and recovery of travel allowances, and the reim-
30 bursement of travel expenses, under this subchapter shall be in ac-
31 cordance with the regulations.

32 **§ 5708. Effect on other statutes**

33 This subchapter does not modify or repeal—

- 34 (1) any statute providing for the traveling expenses of the
35 President;
- 36 (2) any statute providing for mileage allowances for Members
37 of Congress;
- 38 (3) any statute fixing or permitting rates higher than the
39 maximum rates established under this subchapter; or
- 40 (4) any appropriation statute item for examination of esti-
41 mates in the field.

SUBCHAPTER II—TRAVEL AND TRANSPORTATION EXPENSES; NEW APPOINTEES, STUDENT TRAINEES, AND TRANSFERRED EMPLOYEES

§ 5721. Definitions

For the purpose of this subchapter—

(1) “agency” means—

(A) an Executive agency;

(B) a military department;

(C) a court of the United States;

(D) the Administrative Office of the United States Courts;

(E) the Library of Congress;

(F) the Botanic Garden;

(G) the Government Printing Office; and

(H) the government of the District of Columbia;

but does not include a Government controlled corporation;

(2) “employee” means an individual employed in or under an agency;

(3) “continental United States” means the several States and the District of Columbia, but does not include Alaska or Hawaii;

(4) “Government” means the Government of the United States and the government of the District of Columbia; and

(5) “appropriation” includes funds made available by statute under section 849 of title 31.

§ 5722. Travel and transportation expenses of new appointees; posts of duty outside the continental United States

(a) Under such regulations as the President may prescribe and subject to subsections (b) and (c) of this section, an agency may pay from its appropriations—

(1) travel expenses of a new appointee and transportation expenses of his immediate family and his household goods and personal effects from the place of actual residence at the time of appointment to the place of employment outside the continental United States; and

(2) these expenses on the return of an employee from his post of duty outside the continental United States to the place of his actual residence at the time of assignment to duty outside the United States.

(b) An agency may pay expenses under subsection (a) (1) of this section only after the individual selected for appointment agrees in writing to remain in the Government service for a minimum period of—

1 (1) one school year as determined under chapter 25 of title
 2 20, if selected for appointment to a teaching position, except
 3 as a substitute, in the Department of Defense under that chapter;
 4 or

5 (2) 12 months after his appointment, if selected for appoint-
 6 ment to any other position;

7 unless separated for reasons beyond his control which are acceptable
 8 to the agency concerned. If the individual violates the agreement,
 9 the money spent by the United States for the expenses is recoverable
 10 from the individual as a debt due the United States.

11 (c) An agency may pay expenses under subsection (a) (2) of this
 12 section only after the individual has served for a minimum period
 13 of—

14 (1) one school year as determined under chapter 25 of title
 15 20, if employed in a teaching position, except as a substitute, in
 16 the Department of Defense under that chapter; or

17 (2) not less than one nor more than 3 years prescribed in
 18 advance by the head of the agency, if employed in any other
 19 position;

20 unless separated for reasons beyond his control which are acceptable
 21 to the agency concerned. These expenses are payable whether the
 22 separation is for Government purposes or for personal convenience.

23 (d) This section does not apply to appropriations for the Foreign
 24 Service, Department of State.

25 **§ 5723. Travel and transportation expenses of new appointees and**
 26 **student trainees; manpower shortage positions**

27 (a) Under such regulations as the President may prescribe and
 28 subject to subsections (b) and (c) of this section, an agency may pay
 29 from its appropriations—

30 (1) travel expenses of a new appointee, or a student trainee
 31 when assigned on completion of college work, to a position in the
 32 United States for which the Civil Service Commission determines
 33 there is a manpower shortage; and

34 (2) transportation expenses of his immediate family and his
 35 household goods and personal effects;

36 from his place of residence at the time of selection or assignment to his
 37 duty station. If the travel and transportation expenses of a student
 38 trainee were paid when he was appointed, they may not be paid when
 39 he is assigned after completion of college work. Travel expenses pay-
 40 able under this subsection may include the per diem and mileage allow-
 41 ances authorized for employees by subchapter I of this chapter. Ad-

vances of funds may be made for the expenses authorized by this subsection in accordance with section 5724(f).

(b) An agency may pay travel and transportation expenses under subsection (a) of this section only after the individual selected or assigned agrees in writing to remain in the Government service for 12 months after his appointment or assignment, unless separated for reasons beyond his control which are acceptable to the agency concerned. If the individual violates the agreement, the money spent by the United States for the expenses is recoverable from the individual as a debt due the United States.

(c) An agency may pay travel and transportation expenses under subsection (a) of this section whether or not the individual selected has been appointed at the time of the travel.

(d) The Commission may not delegate its authority to determine positions for which there is a manpower shortage for the purpose of this section.

(e) This section does not impair or otherwise affect the authority of an agency under existing statute to pay travel and transportation expenses of individuals named by subsection (a) of this section.

§ 5724. Travel and transportation expenses of employees transferred; advancement of funds; reimbursement on commuted basis

(a) Under such regulations as the President may prescribe and when the head of the agency concerned or his designee authorizes or approves, the agency shall pay from Government funds—

(1) the travel expenses of an employee transferred in the interest of the Government from one official station or agency to another for permanent duty, and the transportation expenses of his immediate family, or a commutation thereof under section 5704 of this title; and

(2) the expenses of transporting, packing, crating, temporarily storing, draying, and unpacking his household goods and personal effects not in excess of 7,000 pounds net weight.

(b) Under such regulations as the President may prescribe, an employee who transports a house trailer or mobile dwelling inside the continental United States, inside Alaska, or between the continental United States and Alaska, for use as a residence, and who otherwise would be entitled to transportation of household goods and personal effects under subsection (a) of this section, is entitled, instead of that transportation, to—

1 (1) a reasonable allowance not in excess of 20 cents a mile for
2 transportation of the house trailer or mobile dwelling, if the
3 trailer or dwelling is transported by the employee; or

4 (2) commercial transportation of the house trailer or mobile
5 dwelling, at Government expense, or reimbursement to the em-
6 ployee therefor, including the payment of necessary tolls, charges,
7 and permit fees, if the trailer or dwelling is not transported by the
8 employee.

9 However, payment under this subsection may not exceed the maxi-
10 mum payment to which the employee otherwise would be entitled under
11 subsection (a) of this section for transportation and temporary stor-
12 age of his household goods and personal effects in connection with
13 this transfer.

14 (c) Under such regulations as the President may prescribe, an
15 employee who transfers between points inside the continental United
16 States, instead of being paid for the actual expenses of transporting,
17 packing, crating, temporarily storing, draying, and unpacking of
18 household goods and personal effects, shall be reimbursed on a com-
19 muted basis at the rates per 100 pounds that are fixed by zones in
20 the regulations. The reimbursement may not exceed the amount
21 which would be allowable for the authorized weight allowance.

22 (d) When an employee transfers to a post of duty outside the
23 continental United States, his expenses of travel and transportation
24 to and from the post shall be allowed to the same extent and with
25 the same limitations prescribed for a new appointee under section
26 5722 of this title.

27 (e) When an employee transfers from one agency to another, the
28 agency to which he transfers pays the expenses authorized by this
29 section.

30 (f) An advance of funds may be made to an employee under the
31 regulations of the President with the same safeguards required under
32 section 5705 of this title.

33 (g) The allowances authorized by this section do not apply to an
34 employee transferred under chapter 14 of title 22.

35 (h) When a transfer is made primarily for the convenience or
36 benefit of an employee, including an employee in the Foreign Service,
37 Department of State, or at his request, his expenses of travel and
38 transportation and the expenses of transporting, packing, crating,
39 temporarily storing, draying, and unpacking of household goods and
40 personal effects may not be allowed or paid from Government funds.

§ 5725. Transportation expenses; employees assigned to danger areas

(a) When an employee of the United States is on duty, or is transferred or assigned to duty, at a place designated by the head of the agency concerned as inside a zone—

(1) from which his immediate family should be evacuated; or

(2) to which they are not permitted to accompany him;

because of military or other reasons which create imminent danger to life or property, or adverse living conditions which seriously affect the health, safety, or accommodations of the immediate family, Government funds may be used to transport his immediate family and household goods and personal effects, under regulations prescribed by the head of the agency, to a location designated by the employee. When circumstances prevent the employee from designating a location, or it is administratively impracticable to determine his intent, the immediate family may designate the location. When the designated location is inside a zone to which movement of families is prohibited under this subsection, the employee or his immediate family may designate an alternate location.

(b) When the employee is assigned to a duty station from which his immediate family is not excluded by the restrictions in subsection (a) of this section, Government funds may be used to transport his immediate family and household goods and personal effects from the designated or alternate location to the duty station.

§ 5726. Storage expenses; household goods and personal effects

(a) For the purpose of this section, "household goods and personal effects" means such personal property of an employee and his dependents as the President may by regulation authorize to be transported or stored, including, in emergencies, motor vehicles authorized to be shipped at Government expense.

(b) Under such regulations as the President may prescribe, an employee, including a new appointee under section 5722 of this title, assigned to a permanent duty station outside the continental United States may be allowed storage expenses and related transportation and other expenses for his household goods and personal effects when—

(1) the duty station is one to which he cannot take or at which he is unable to use his household goods and personal effects; or

(2) the head of the agency concerned authorizes storage of the household goods and personal effects in the public interest or for reasons of economy.

1 The weight of the household goods and personal effects stored under
2 this subsection, together with the weight of property transported
3 under section 5724(a), may not exceed 7,000 pounds net weight,
4 excluding a motor vehicle described by subsection (a) of this section.

5 **§ 5727. Transportation of motor vehicles**

6 (a) Except as specifically authorized by statute, an authorization
7 in a statute or regulation to transport the effects of an employee or
8 other individual at Government expense is not an authorization to
9 transport an automobile.

10 (b) Under such regulations as the President may prescribe, the
11 privately owned motor vehicle of an employee, including a new ap-
12 pointee under section 5722 of this title, may be transported at Gov-
13 ernment expense to, from, and between the continental United States
14 and a post of duty outside the continental United States, or between
15 posts of duty outside the continental United States, when—

16 (1) the employee is assigned to the post of duty for other
17 than temporary duty; and

18 (2) the head of the agency concerned determines that it is
19 in the interest of the Government for the employee to have the
20 use of a motor vehicle at the post of duty.

21 (c) An employee may transport only one motor vehicle under sub-
22 section (b) of this section during a 4-year period, except when the
23 head of the agency concerned determines that replacement of the mo-
24 tor vehicle during the period is necessary for reasons beyond the con-
25 trol of the employee and is in the interest of the Government, and
26 authorizes in advance the transportation under subsection (b) of this
27 section of one additional privately owned motor vehicle as a replace-
28 ment. When an employee has remained in continuous service out-
29 side the United States during the 4-year period after the date of trans-
30 portation under subsection (b) of this section of his motor vehicle,
31 the head of the agency concerned may authorize transportation under
32 subsection (b) of this section of a replacement for that motor vehicle.

33 (d) When the head of an agency authorizes transportation under
34 subsection (b) of this section of a privately owned motor vehicle, the
35 transportation may be by—

36 (1) commercial means, if available at reasonable rates and
37 under reasonable conditions; or

38 (2) Government means on a space-available basis.

39 (e) (1) This section, except subsection (a), does not apply to—

40 (A) the Foreign Service, Department of State; or

41 (B) the Central Intelligence Agency.

(2) This section, except subsection (a), does not affect—

(A) section 1138 of title 22; or

(B) section 403e(4) of title 50.

§ 5728. Travel and transportation expenses; vacation leave

(a) Under such regulations as the President may prescribe, an agency shall pay from its appropriations the expenses of the round-trip travel of an employee, and the transportation of his immediate family, but not household goods, from his post of duty outside the continental United States to the place of his actual residence at the time of appointment or transfer to the post of duty, after he has satisfactorily completed an agreement period of service outside the continental United States and is returning to his actual place of residence to take leave before serving another tour of duty at the same or another post of duty outside the continental United States under a new written agreement made before departing from the post of duty.

(b) Under such regulations as the President may prescribe, an agency shall pay from its appropriations the expenses of the round-trip travel of an employee of the United States appointed by the President, by and with the advice and consent of the Senate, for a term fixed by statute, and of transportation of his immediate family, but not household goods, from his post of duty outside the continental United States to the place of his actual residence at the time of appointment to the post of duty, after he has satisfactorily completed 2 years of service outside the continental United States and is returning to his actual place of residence to take leave before serving at least 2 more years of duty outside the continental United States.

(c) This section does not apply to appropriations for the Foreign Service, Department of State.

§ 5729. Transportation expenses; prior return of family

(a) Under such regulations as the President may prescribe, an agency shall pay from its appropriations, not more than once before the return to the United States or its territories or possessions of an employee whose post of duty is outside the continental United States, to pay the expenses of transporting his immediate family and of shipping his household goods and personal effects from his post of duty to his actual place of residence when—

(1) he has acquired eligibility for that transportation; or

(2) the public interest requires the return of the immediate family for compelling personal reasons of a humanitarian or compassionate nature, such as may involve physical or mental health, death of a member of the immediate family, or obligation im-

1 posed by authority or circumstances over which the individual
2 has no control.

3 (b) Under such regulations as the President may prescribe, an
4 agency shall reimburse from its appropriations an employee whose
5 post of duty is outside the continental United States for the proper
6 transportation expenses of returning his immediate family and his
7 household goods and personal effects to the United States or its terri-
8 tories or possessions, when—

9 (1) their return was made at the expense of the employee be-
10 fore his return and for other than reasons of public interest; and

11 (2) he acquires eligibility for those transportation expenses.

12 (c) This section does not apply to appropriations for the Foreign
13 Service, Department of State.

14 **§ 5730. Funds available**

15 Funds available for travel expenses of an employee are available
16 for expenses of transportation of his immediate family, and funds
17 available for transportation of things are available for transportation
18 of household goods and personal effects, as authorized by this sub-
19 chapter.

20 **§ 5731. Expenses limited to lowest first-class rate**

21 (a) The allowance for actual expenses for transportation may not
22 exceed the lowest first-class rate by the transportation facility used
23 unless it is certified, in accordance with regulations prescribed by the
24 President, that—

25 (1) lowest first-class accommodations are not available; or

26 (2) use of a compartment or other accommodation authorized
27 or approved by the head of the agency concerned or his designee
28 is required for security purposes.

29 (b) Instead of the maximum fixed by subsection (a) of this sec-
30 tion, the allowance to an employee of the United States for actual
31 expenses for transportation on an inter-island steamship in Hawaii
32 may not exceed the rate for accommodations on the steamship that is
33 equivalent as nearly as possible to the rate for the lowest first-class ac-
34 commodation on trans-pacific steamships.

35 **§ 5732. General average contribution; payment or reimbursement**

36 Under such regulations as the President may prescribe, appropria-
37 tions chargeable for the transportation of baggage and household
38 goods and personal effects of employees of the United States, volun-
39 teers as defined by section 8142(a) of this title, and members of the
40 uniformed services are available for the payment or reimbursement
41 of general average contributions required. Appropriations are not

1 available for the payment or reimbursement of general average
2 contributions—

3 (1) required in connection with and applicable to quantities of
4 baggage and household goods and personal effects in excess of
5 quantities authorized by statute or regulation to be transported;

6 (2) when the individual concerned is allowed under statute
7 or regulation a commutation instead of actual transportation
8 expenses; or

9 (3) when the individual concerned selected the means of ship-
10 ment.

11 SUBCHAPTER III—TRANSPORTATION OF REMAINS, 12 DEPENDENTS, AND EFFECTS

13 § 5741. General prohibition

14 Except as specifically authorized by statute, the head of an Execu-
15 tive department or military department may not authorize an ex-
16 penditure in connection with the transportation of remains of a
17 deceased employee.

18 § 5742. Transportation of remains, dependents, and effects; death 19 occurring away from official station or abroad

20 (a) For the purpose of this section, “agency” means—

21 (1) an Executive agency;

22 (2) a military department;

23 (3) an agency in the legislative branch; and

24 (4) an agency in the judicial branch.

25 (b) When an employee dies, the head of the agency concerned,
26 under regulations prescribed by the President and from appropria-
27 tions available for the activity in which the employee was engaged,
28 may pay—

29 (1) the expense of preparing and transporting the remains to
30 the home or official station of the employee, or such other place
31 appropriate for interment as is determined by the head of the
32 agency concerned, if death occurred while the employee was in a
33 travel status away from his official station in the United States
34 or while performing official duties outside the United States or in
35 transit thereto or therefrom; and

36 (2) the expense of transporting his dependents, including
37 expenses of packing, crating, draying, and transporting house-
38 hold effects and other personal property to his former home or
39 such other place as is determined by the head of the agency
40 concerned, if death occurred while the employee was performing

1 official duties outside the United States or in transit thereto or
2 therefrom.

3 (c) When a dependent of an employee dies while residing with the
4 employee performing official duties outside the continental United
5 States or in Alaska or in transit thereto or therefrom, the head of the
6 agency concerned may pay the necessary expenses of transporting the
7 remains to the home of the dependent, or such other place appropriate
8 for interment as is determined by the head of the agency concerned.
9 If practicable, the agency concerned in respect of the deceased may
10 furnish mortuary services and supplies on a reimbursable basis when—

11 (1) local commercial mortuary facilities and supplies are not
12 available; or

13 (2) the cost of available mortuary facilities and supplies are
14 prohibitive in the opinion of the head of the agency.

15 Reimbursement for the cost of mortuary services and supplies fur-
16 nished under this subsection shall be collected and credited to current
17 appropriations available for the payment of these costs.

18 (d) The benefits of this section may not be denied because the
19 deceased was temporarily absent from duty when death occurred.

20 CHAPTER 59—ALLOWANCES

21 SUBCHAPTER I—UNIFORMS

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5901. Uniform allowances.

22 SUBCHAPTER II—QUARTERS

Sec.

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countries.

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23 SUBCHAPTER III—OVERSEAS DIFFERENTIALS AND 24 ALLOWANCES

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5941. Allowances based on living costs and conditions of environment; employees
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SUBCHAPTER I—UNIFORMS

§ 5901. Uniform allowances

(a) There is authorized to be appropriated annually to each agency of the Government of the United States, including a Government owned corporation, and of the government of the District of Columbia, on a showing of necessity or desirability, an amount not to exceed \$100 multiplied by the number of employees of the agency who are required by regulation or statute to wear a prescribed uniform in the performance of official duties and who are not being furnished with the uniform. The head of the agency concerned, out of funds made available by the appropriation, shall—

(1) furnish to each of these employees a uniform at a cost not to exceed \$100 a year; or

(2) pay to each of these employees an allowance for a uniform not to exceed \$100 a year.

The allowance may be paid only at the times and in the amounts authorized by the regulations prescribed under subsection (d) of this section.

(b) When the furnishing of a uniform or the payment of a uniform allowance is authorized under another statute or regulation existing on September 1, 1954, the head of the agency concerned may continue the furnishing of the uniform or the payment of the uniform allowance under that statute or regulation, but in that event a uniform may not be furnished or allowance paid under this section.

(c) An allowance paid under this section is not wages within the meaning of section 409 of title 42 or chapters 21 and 24 of title 26.

(d) The Director of the Bureau of the Budget shall prescribe regulations necessary for the uniform administration of this section.

SUBCHAPTER II—QUARTERS

§ 5911. Quarters and facilities; employees in the United States

(a) For the purpose of this section—

(1) "Government" means the Government of the United States;

(2) "agency" means an Executive agency, but does not include the Tennessee Valley Authority;

(3) "employee" means an employee of an agency;

(4) "United States" means the several States, the District of Columbia, and the territories and possessions of the United States including the Commonwealth of Puerto Rico;

1 (5) "quarters" means quarters owned or leased by the Govern-
2 ment; and

3 (6) "facilities" means household furniture and equipment, ga-
4 rage space, utilities, subsistence, and laundry service.

5 (b) The head of an agency may provide, directly or by contract, an
6 employee stationed in the United States with quarters and facilities,
7 when conditions of employment or of availability of quarters warrant
8 the action.

9 (c) Rental rates for quarters provided for an employee under sub-
10 section (b) of this section or occupied on a rental basis by an em-
11 ployee or member of a uniformed service under any other provision
12 of statute, and charges for facilities made available in connection with
13 the occupancy of the quarters, shall be based on the reasonable value
14 of the quarters and facilities to the employee or member concerned,
15 in the circumstances under which the quarters and facilities are pro-
16 vided, occupied, or made available. The amounts of the rates and
17 charges shall be paid by, or deducted from the pay of, the employee
18 or member of a uniformed service, or otherwise charged against him
19 in accordance with law. The amounts of payroll deductions for the
20 rates and charges shall remain in the applicable appropriation or
21 fund. When payment of the rates and charges is made by other than
22 payroll deductions, the amounts of payment shall be credited to the
23 Government as provided by law.

24 (d) When, as an incidental service in support of a program of the
25 Government, quarters and facilities are provided by appropriate au-
26 thority of the Government to an individual other than an employee
27 or member of a uniformed service, the rates and charges therefor shall
28 be determined in accordance with this section. The amounts of pay-
29 ment of the rates and charges shall be credited to the Government as
30 provided by law.

31 (e) The head of an agency may not require an employee or member
32 of a uniformed service to occupy quarters on a rental basis, unless the
33 agency head determines that necessary service cannot be rendered,
34 or that property of the Government cannot adequately be protected,
35 otherwise.

36 (f) The President may prescribe regulations governing the provi-
37 sion, occupancy, and availability of quarters and facilities, the determi-
38 nation of rates and charges therefor, and other related matters, neces-
39 sary and appropriate to carry out this section. The head of each
40 agency may prescribe regulations, not inconsistent with the regula-

tions of the President, necessary and appropriate to carry out the functions of the agency head under this section.

(g) Subsection (c) of this section does not repeal or modify any provision of statute authorizing the provision of quarters or facilities, either without charge or at rates or charges specifically fixed by statute.

§ 5912. Quarters in Government owned or rented buildings; employees in foreign countries

Under regulations prescribed by the head of the agency concerned and approved by the President, an employee who is a citizen of the United States permanently stationed in a foreign country may be furnished, without cost to him, living quarters, including heat, fuel, and light, in a Government owned or rented building. The rented quarters may be furnished only within the limits of appropriations made therefor.

§ 5913. Official residence expenses

(a) For the purpose of this section, "agency" has the meaning given it by section 5721 of this title.

(b) Under such regulations as the President may prescribe, funds available to an agency for administrative expenses may be allotted to posts in foreign countries to defray the unusual expenses incident to the operation and maintenance of official residences suitable for—

(1) the chief representatives of the United States at the posts; and

(2) such other senior officials of the Government of the United States as the President may designate.

SUBCHAPTER III—OVERSEAS DIFFERENTIALS AND ALLOWANCES

§ 5921. Definitions

For the purpose of this subchapter—

(1) "Government" means the Government of the United States;

(2) "agency" means an Executive agency and the Library of Congress, but does not include a Government controlled corporation;

(3) "employee" means an employee in or under an agency and more specifically defined by regulations prescribed by the President;

(4) "United States", when used in a geographical sense, means the several States and the District of Columbia;

(5) "continental United States" means the several States and

1 the District of Columbia, but does not include Alaska or Hawaii;
2 and

3 (6) "foreign area" means—

4 (A) the Trust Territory of the Pacific Islands; and

5 (B) any other area outside the United States, the Com-
6 monwealth of Puerto Rico, the Canal Zone, and other ter-
7 ritories and possessions of the United States.

8 **§ 5922. General provisions**

9 (a) Notwithstanding section 5536 of this title and except as other-
10 wise provided by this subchapter, the allowances and differentials
11 authorized by this subchapter may be granted to an employee officially
12 stationed in a foreign area—

13 (1) who is a citizen of the United States; and

14 (2) whose rate of basic pay is fixed by statute or, without
15 taking into consideration the allowances and differentials pro-
16 vided by this subchapter, is fixed by administrative action pursu-
17 ant to law or is fixed administratively in conformity with rates
18 paid by the Government for work of a comparable level of
19 difficulty and responsibility in the continental United States.

20 To the extent authorized by a provision of statute other than this
21 subchapter, the allowances and differentials provided by this sub-
22 chapter may be paid to an employee officially stationed in a foreign
23 area who is not a citizen of the United States.

24 (b) Allowances granted under this subchapter may be paid in
25 advance, or advance of funds may be made therefor, through the
26 proper disbursing official in such sums as are considered advisable in
27 consideration of the need and the period of time during which expendi-
28 tures must be made in advance by the employee. An advance of funds
29 not subsequently covered by allowances accrued to the employee under
30 this subchapter is recoverable by the Government by—

31 (1) setoff against accrued pay, compensation, amount of retire-
32 ment credit, or other amount due the employee from the Govern-
33 ment; and

34 (2) such other method as is provided by law for the recovery
35 of amounts owing to the Government.

36 The head of the agency concerned, under regulations of the Presi-
37 dent, may waive in whole or in part a right of recovery under
38 this subsection, if it is shown that the recovery would be against
39 equity and good conscience or against the public interest.

(c) The allowances and differentials authorized by this subchapter shall be paid under regulations prescribed by the President governing—

- (1) payments of the allowances and differentials and the respective rates at which the payments are made;
- (2) the foreign areas, the groups of positions, and the categories of employees to which the rates apply; and
- (3) other related matters.

§ 5923. Quarters allowances

When Government owned or rented quarters are not provided without charge for an employee in a foreign area, one or more of the following quarters allowances may be granted when applicable:

- (1) A temporary lodging allowance for the reasonable cost of temporary quarters incurred by the employee and his family—

- (A) for a period not in excess of 3 months after first arrival at a new post of assignment in a foreign area or a period ending with the occupation of residence quarters, whichever is shorter; and

- (B) for a period of not more than 1 month immediately before final departure from the post after the necessary evacuation of residence quarters.

- (2) A living quarters allowance for rent, heat, light, fuel, gas, electricity, and water, without regard to section 529 of title 31.

- (3) Under unusual circumstances, payment or reimbursement for extraordinary, necessary, and reasonable expenses, not otherwise compensated for, incurred in initial repairs, alterations, and improvements to the privately leased residence of an employee at a post of assignment in a foreign area, if—

- (A) the expenses are administratively approved in advance; and

- (B) the duration and terms of the lease justify payment of the expenses by the Government.

§ 5924. Cost-of-living allowances

The following cost-of-living allowances may be granted, when applicable, to an employee in a foreign area:

- (1) A post allowance to offset the difference between the cost of living at the post of assignment of the employee in a foreign area and the cost of living in the District of Columbia.

- (2) A transfer allowance for extraordinary, necessary, and reasonable expenses, not otherwise compensated for, incurred by

1 an employee incident to establishing himself at a post of assign-
2 ment in—

3 (A) a foreign area; or

4 (B) the United States between assignments to posts in
5 foreign areas.

6 (3) A separate maintenance allowance to assist an employee
7 who is compelled, because of dangerous, notably unhealthful, or
8 excessively adverse living conditions at his post of assignment
9 in a foreign area, or for the convenience of the Government, to
10 meet the additional expense of maintaining, elsewhere than at the
11 post, his wife or his dependents, or both.

12 (4) An education allowance or payment of travel costs to as-
13 sist an employee with the extraordinary and necessary expenses,
14 not otherwise compensated for, incurred because of his service
15 in a foreign area or foreign areas in providing adequate educa-
16 tion for his dependents, as follows:

17 (A) An allowance not to exceed the cost of obtaining such
18 elementary and secondary educational services as are ordi-
19 narily provided without charge by the public schools in the
20 United States, plus, in those cases when adequate schools are
21 not available at the post of the employee, board and room, and
22 periodic transportation between that post and the nearest
23 locality where adequate schools are available, without regard
24 to section 529 of title 31. The amount of the allowance
25 granted shall be determined on the basis of the educational
26 facility used.

27 (B) The travel expenses of dependents of an employee to
28 and from a school in the United States to obtain an American
29 secondary or undergraduate college education, not to exceed
30 one trip each way for each dependent for the purpose of
31 obtaining each type of education. An allowance payment
32 under subparagraph (A) of this paragraph (4) may not be
33 made for a dependent during the 12 months following his ar-
34 rival in the United States for secondary education under au-
35 thority contained in this subparagraph (B). Notwithstand-
36 ing section 5921(6) of this title, travel expenses, for the
37 purpose of obtaining undergraduate college education, may
38 be authorized under this subparagraph (B), under such regu-
39 lations as the President may prescribe, for dependents of
40 employees who are citizens of the United States stationed in
41 the Canal Zone.

1 **§ 5925. Post differentials**

2 A post differential may be granted on the basis of conditions of en-
 3 vironment which differ substantially from conditions of environment
 4 in the continental United States and warrant additional pay as a
 5 recruitment and retention incentive. A post differential may be
 6 granted to an employee officially stationed in the United States who
 7 is on extended detail in a foreign area. A post differential may not
 8 exceed 25 percent of the rate of basic pay.

9 **SUBCHAPTER IV—MISCELLANEOUS ALLOWANCES**

10 **§ 5941. Allowances based on living costs and conditions of en-**
 11 **vironment; employees stationed outside continental**
 12 **United States or in Alaska**

13 (a) Appropriations or funds available to an Executive agency,
 14 except a Government controlled corporation, for pay of employees
 15 stationed outside the continental United States or in Alaska whose
 16 rates of basic pay are fixed by statute, are available for allowances to
 17 these employees. The allowance is based on—

- 18 (1) living costs substantially higher than in the District of
 19 Columbia;
 20 (2) conditions of environment which differ substantially from
 21 conditions of environment in the continental United States and
 22 warrant an allowance as a recruitment incentive; or
 23 (3) both of these factors.

24 The allowance may not exceed 25 percent of the rate of basic pay.
 25 Except as otherwise specifically authorized by statute, the allowance
 26 is paid only in accordance with regulations prescribed by the Presi-
 27 dent establishing the rates and defining the area, groups of positions,
 28 and classes of employees to which each rate applies.

29 (b) An employee entitled to a cost-of-living allowance under section
 30 5924 of this title may not be paid an allowance under subsection (a)
 31 of this section based on living costs substantially higher than in the
 32 District of Columbia.

33 **§ 5942. Allowance based on duty on California offshore islands**

34 Notwithstanding section 5536 of this title, an employee who is as-
 35 signed to duty, except temporary duty, on one of the California off-
 36 shore islands is entitled, in addition to pay otherwise due him, to an
 37 allowance of not to exceed \$10 a day. However, the allowance shall
 38 be paid under regulations prescribed by the President establishing
 39 the rates at which the allowance will be paid, and defining the areas
 40 and groups of positions to which the rates apply.

1 **§ 5943. Foreign currency appreciation allowances**

2 (a) The President, under such regulations as he may prescribe and
3 on recommendation of the Director of the Bureau of the Budget, may
4 meet losses sustained by employees and members of the uniformed
5 services while serving in a foreign country due to the appreciation of
6 foreign currency in its relation to the American dollar. Allowances
7 and expenditures under this section are not subject to income taxes.

8 (b) Annual appropriations are authorized to carry out subsection
9 (a) of this section and to cover any deficiency in the accounts of the
10 Secretary of the Treasury, including interest, arising out of the ar-
11 rangement approved by the President on July 27, 1933, for the con-
12 version into foreign currency of checks and drafts of employees and
13 members of the uniformed services for pay and expenses.

14 (c) Payment under subsection (a) of this section may not be made
15 to an employee or member of a uniformed service for a period during
16 which his check or draft was converted into foreign currency under
17 the arrangement referred to by subsection (b) of this section.

18 (d) The Director of the Bureau of the Budget shall report annually
19 to Congress all expenditures made under this section.

20 **§ 5944. Illness and burial expenses; native employees in foreign**
21 **countries**

22 (a) The head of an Executive department or military department
23 which maintains a permanent staff of employees in foreign countries
24 may pay the burial expenses and expenses in connection with the last
25 illness and death of a native employee of his department in a country
26 in which the Secretary of State determines it is customary for employ-
27 ers to pay these expenses. Payment of these expenses may not exceed
28 \$100 in any one case.

29 (b) The head of an Executive department or military department
30 which maintains a permanent staff of employees in foreign countries
31 in which the custom referred to by subsection (a) of this section does
32 not exist, on finding that the immediate family of the deceased is desti-
33 tute, may pay such of the expenses referred to by subsection (a) of this
34 section within the limitations in that subsection to the family, heirs
35 at law, or persons responsible for the debts of the deceased, as the em-
36 ployee in charge of the office abroad in which the deceased was em-
37 ployed considers proper.

38 (c) Payments under this section are made from appropriations
39 available to the department concerned for miscellaneous or contingent
40 expenses.

§ 5945. Notary public commission expenses

An employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia who is required to serve as a notary public in connection with the performance of official business is entitled to an allowance, established by the agency concerned, not in excess of the expense required to obtain the commission. Funds available to an agency concerned for personal services or general administrative expenses are available to carry out this section.

§ 5946. Membership fees; expenses of attendance at meetings; limitations

Except as authorized by a specific appropriation, by express terms in a general appropriation, or by sections 4109 and 4110 of this title, appropriated funds may not be used for payment of—

(1) membership fees or dues of an employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia in a society or association; or

(2) expenses of attendance of an individual at meetings or conventions of members of a society or association.

This section does not prevent the use of appropriations for the Department of Agriculture for expenses incident to the delivery of lectures, the giving of instructions, or the acquiring of information at meetings by its employees on subjects relating to the authorized work of the Department.

Subpart E—Attendance and Leave

CHAPTER 61—HOURS OF WORK

Sec.

6101. Basic 40-hour workweek; work schedules; regulations.

6102. Eight-hour day; 40-hour workweek; wage-board employees.

6103. Holidays.

6104. Holidays; daily, hourly, and piece-work basis employees.

6105. Closing of Executive departments.

6106. Time clocks; restrictions.

§ 6101. Basic 40-hour workweek; work schedules; regulations

(a) The head of each Executive agency, military department, and of the government of the District of Columbia shall—

(1) establish a basic administrative workweek of 40 hours for each full-time employee in his organization; and

(2) require that the hours of work within that workweek be performed within a period of not more than 6 of any 7 consecutive days.

(b) Except when the head of an Executive agency, a military department, or of the government of the District of Columbia deter-

1 mines that his organization would be seriously handicapped in carry-
 2 ing out its functions or that costs would be substantially increased,
 3 he shall provide, with respect to each employee in his organization,
 4 that—

5 (1) assignments to tours of duty are scheduled in advance
 6 over periods of not less than 1 week;

7 (2) the basic 40-hour workweek is scheduled on 5 days, Monday
 8 through Friday when possible, and the 2 days outside the basic
 9 workweek are consecutive;

10 (3) the working hours in each day in the basic workweek are
 11 the same;

12 (4) the basic nonovertime workday may not exceed 8 hours;

13 (5) the occurrence of holidays may not affect the designation
 14 of the basic workweek; and

15 (6) breaks in working hours of more than 1 hour may not be
 16 scheduled in a basic workday.

17 (c) The Architect of the Capitol may apply this section to em-
 18 ployees under the Office of the Architect of the Capitol or the Botanic
 19 Garden. The Librarian of Congress may apply this section to em-
 20 ployees under the Library of Congress.

21 (d) For the purpose of this section, "employee" includes an indi-
 22 vidual employed by the government of the District of Columbia, but
 23 does not include an employee or individual excluded from the defini-
 24 tion of employee in section 5541 (2) of this title.

25 (e) The Civil Service Commission may prescribe regulations, sub-
 26 ject to the approval of the President, necessary for the administration
 27 of this section insofar as this section affects employees in or under the
 28 executive branch.

29 **§ 6102. Eight-hour day; 40-hour workweek; wage-board employees**

30 The regular hours of work for an employee whose basic rate of pay
 31 is fixed and adjusted from time to time in accordance with prevailing
 32 rates by wage boards or similar administrative authority serving the
 33 same purpose are established at not more than 8 a day or 40 a week.
 34 However, work in excess of these hours is permitted when adminis-
 35 tratively determined to be in the public interest.

36 **§ 6103. Holidays**

37 (a) The following are legal public holidays:

38 January 1, New Year's Day.

39 February 22, Washington's Birthday.

40 May 30, Memorial Day.

41 July 4, Independence Day.

1 The first Monday in September, Labor Day.

2 November 11, Veterans Day.

3 The fourth Thursday in November, Thanksgiving Day.

4 December 25, Christmas.

5 (b) For the purpose of statutes relating to pay and leave of em-
6 ployees, with respect to a legal public holiday and any other day de-
7 clared to be a holiday by Federal statute or Executive order, the fol-
8 lowing rules apply:

9 (1) Instead of a holiday that occurs on a Saturday, the Friday
10 immediately before is a legal public holiday for—

11 (A) employees whose basic workweek is Monday through
12 Friday; and

13 (B) the purpose of section 6309 of this title.

14 (2) Instead of a holiday that occurs on a regular weekly non-
15 workday of an employee whose basic workweek is other than
16 Monday through Friday, except the regular weekly nonworkday
17 administratively scheduled for the employee instead of Sunday,
18 the workday immediately before that regular weekly nonworkday
19 is a legal public holiday for the employee.

20 This section, except subparagraph (B) of paragraph (1), does not
21 apply to an employee whose basic workweek is Monday through
22 Saturday.

23 (c) January 20 of each fourth year after 1965, Inauguration Day,
24 is a legal public holiday for the purpose of statutes relating to pay and
25 leave of employees as defined by section 2105 of this title and individ-
26 uals employed by the government of the District of Columbia employed
27 in the District of Columbia, Montgomery and Prince Georges Counties
28 in Maryland, Arlington and Fairfax Counties in Virginia, and the
29 cities of Alexandria and Falls Church in Virginia. When January 20
30 of any fourth year after 1965 falls on Sunday, the next succeeding day
31 selected for the public observance of the inauguration of the President
32 is a legal public holiday for the purpose of this subsection.

33 **§ 6104. Holidays; daily, hourly, and piece-work basis employees**

34 When a regular employee as defined by section 2105 of this title or
35 an individual employed regularly by the government of the District of
36 Columbia, whose pay is fixed at a daily or hourly rate, or on a piece-
37 work basis, is relieved or prevented from working on a day—

38 (1) on which agencies are closed by Executive order, or, for
39 individuals employed by the government of the District of Co-
40 lumbia, by order of the Board of Commissioners;

41 (2) by administrative order under regulations issued by the

1 President, or, for individuals employed by the government of the
 2 District of Columbia, by the Board of Commissioners; or
 3 (3) solely because of the occurrence of a legal public holiday
 4 under section 6103 of this title, or a day declared a holiday by
 5 Federal statute, Executive order, or, for individuals employed
 6 by the government of the District of Columbia, by order of the
 7 Board of Commissioners;
 8 he is entitled to the same pay for that day as for a day on which an
 9 ordinary day's work is performed.

10 **§ 6105. Closing of Executive departments**

11 An Executive department may not be closed as a mark to the memory
 12 of a deceased former official of the United States.

13 **§ 6106. Time clocks; restrictions**

14 A recording clock may not be used to record time of an employee
 15 of an Executive department in the District of Columbia.

16 **CHAPTER 63—LEAVE**

17 **SUBCHAPTER I—ANNUAL AND SICK LEAVE**

Sec.

6301. Definitions.

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6303. Annual leave; accrual.

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6305. Home leave; foreign-service leave.

6306. Annual leave; refund of lump-sum payment; recredit of annual leave.

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18 **SUBCHAPTER II—OTHER PAID LEAVE**

Sec.

6321. Absence of veterans to attend funeral services.

6322. Leave for jury service.

6323. Military leave; Reserves and National Guardsmen.

6324. Absence of certain police and firemen.

19 **SUBCHAPTER I—ANNUAL AND SICK LEAVE**

20 **§ 6301. Definitions**

21 For the purpose of this subchapter—

22 (1) "United States", when used in a geographical sense, means
 23 the several States and the District of Columbia; and

24 (2) "employee" means—

25 (A) an employee as defined by section 2105 of this title;
 26 and

27 (B) an individual employed by the government of the
 28 District of Columbia;

29 but does not include—

30 (i) a teacher or librarian of the public schools of the Dis-
 31 trict of Columbia;

(ii) a part-time employee, except an hourly employee in the postal field service, who does not have an established regular tour of duty during the administrative workweek;

(iii) a temporary employee engaged in construction work at an hourly rate;

(iv) an employee of the Canal Zone Government or the Panama Canal Company when employed on the Isthmus of Panama;

(v) a physician, dentist, or nurse in the Department of Medicine and Surgery, Veterans' Administration;

(vi) an employee of the Senate or House of Representatives;

(vii) an employee of a corporation supervised by the Farm Credit Administration if private interests elect or appoint a member of the board of directors;

(viii) an alien employee who occupies a position outside the United States, except as provided by section 6310 of this title;

(ix) a "teacher" or an individual holding a "teaching position" as defined by section 901 of title 20;

(x) an officer in the executive branch or in the government of the District of Columbia who is appointed by the President and whose rate of basic pay exceeds the highest rate payable under section 5332 of this title;

(xi) an officer in the executive branch or in the government of the District of Columbia who is designated by the President, except a postmaster, United States attorney, or United States marshal; or

(xii) an officer who receives pay under section 866 of title 22.

§ 6302. General provisions

(a) The days of leave provided by this subchapter are days on which an employee would otherwise work and receive pay and are exclusive of holidays and nonworkdays established by Federal statute, Executive order, or administrative order.

(b) For the purpose of this subchapter an employee is deemed employed for a full biweekly pay period if he is employed during the days within that period, exclusive of holidays and nonworkdays established by Federal statute, Executive order, or administrative order, which fall within his basic administrative workweek.

1 (c) A part-time employee, unless otherwise excepted, is entitled to
 2 the benefits provided by subsection (d) of this section and sections
 3 6303, 6304 (a), (b), 6305 (a), 6307, and 6310 of this title on a pro rata
 4 basis.

5 (d) The annual leave provided by this subchapter, including
 6 annual leave that will accrue to an employee during the year, may be
 7 granted at any time during the year as the head of the agency con-
 8 cerned may prescribe.

9 (e) If an officer excepted from this subchapter by section 6301 (2)
 10 (x)-(xii) of this title, without a break in service, again becomes sub-
 11 ject to this subchapter on completion of his service as an excepted
 12 officer, the unused annual and sick leave standing to his credit when
 13 he was excepted from this subchapter is deemed to have remained to
 14 his credit.

15 **§ 6303. Annual leave; accrual**

16 (a) An employee is entitled to annual leave with pay which accrues
 17 as follows—

18 (1) one-half day for each full biweekly pay period for an em-
 19 ployee with less than 3 years of service;

20 (2) three-fourths day for each full biweekly pay period, ex-
 21 cept that the accrual for the last full biweekly pay period in the
 22 year is one and one-fourth days, for an employee with 3 but less
 23 than 15 years of service; and

24 (3) one day for each full biweekly pay period for an employee
 25 with 15 or more years of service.

26 In determining years of service, an employee is entitled to credit for
 27 all service creditable under section 8332 of this title for the purpose of
 28 an annuity under subchapter III of chapter 83 of this title. However,
 29 an employee who is a retired member of a uniformed service as defined
 30 by section 3501 of this title is entitled to credit for active military serv-
 31 ice only if—

32 (A) his retirement was based on disability—

33 (i) resulting from injury or disease received in line of duty
 34 as a direct result of armed conflict; or

35 (ii) caused by an instrumentality of war and incurred in
 36 line of duty during a period of war as defined by sections 101
 37 and 301 of title 38;

38 (B) that service was performed in the armed forces during a
 39 war, or in a campaign or expedition for which a campaign badge
 40 has been authorized; or

(C) on November 30, 1964, he was employed in a position to which this subchapter applies and thereafter he continued to be so employed without a break in service of more than 30 days.

The determination of years of service may be made on the basis of an affidavit of the employee. Leave provided by this subchapter accrues to an employee who is not paid on the basis of biweekly pay periods on the same basis as it would accrue if the employee were paid on the basis of biweekly pay periods.

(b) Notwithstanding subsection (a) of this section, an employee is entitled to annual leave under this subchapter only after being currently employed for a continuous period of 90 days under one or more appointments without a break in service. After completing the 90-day period, the employee is entitled to be credited with the leave that would have accrued to him under subsection (a) of this section except for this subsection.

(c) A change in the rate of accrual of annual leave by an employee under this section takes effect at the beginning of the pay period after the pay period, or corresponding period for an employee who is not paid on the basis of biweekly pay periods, in which the employee completed the prescribed period of service.

(d) Leave granted under this subchapter is exclusive of time actually and necessarily occupied in going to or from a post of duty and time necessarily occupied awaiting transportation, in the case of an employee—

(1) to whom section 6304(b) of this title applies;

(2) whose post of duty is outside the United States; and

(3) who returns on leave to the United States, or to his place of residence, which is outside the area of employment, in its territories or possessions including the Commonwealth of Puerto Rico.

This subsection does not apply to more than one period of leave in a prescribed tour of duty at a post outside the United States.

§ 6304. Annual leave; accumulation

(a) Except as provided by subsection (b) of this section, annual leave provided by section 6303 of this title, which is not used by an employee, accumulates for use in succeeding years until it totals not more than 30 days at the beginning of the first full biweekly pay period, or corresponding period for an employee who is not paid on the basis of biweekly pay periods, occurring in a year.

(b) Annual leave not used by an employee of the Government of the United States in one of the following classes of employees stationed

1 outside the United States accumulates for use in succeeding years until
 2 it totals not more than 45 days at the beginning of the first full
 3 biweekly pay period, or corresponding period for an employee who
 4 is not paid on the basis of biweekly pay periods, occurring in a year:

5 (1) Individuals directly recruited or transferred by the Gov-
 6 ernment of the United States from the United States or its terri-
 7 tories or possessions including the Commonwealth of Puerto Rico
 8 for employment outside the area of recruitment or from which
 9 transferred.

10 (2) Individuals employed locally but—

11 (A) (i) who were originally recruited from the United
 12 States or its territories or possessions including the Com-
 13 monwealth of Puerto Rico but outside the area of employ-
 14 ment;

15 (ii) who have been in substantially continuous employ-
 16 ment by other agencies of the United States, United States
 17 firms, interests, or organizations, international organizations
 18 in which the United States participates, or foreign govern-
 19 ments; and

20 (iii) whose conditions of employment provide for their
 21 return transportation to the United States or its territories
 22 or possessions including the Commonwealth of Puerto Rico;
 23 or

24 (B) (i) who were at the time of employment temporarily
 25 absent, for the purpose of travel or formal study, from the
 26 United States, or from their respective places of residence
 27 in its territories or possessions including the Commonwealth
 28 of Puerto Rico; and

29 (ii) who, during the temporary absence, have maintained
 30 residence in the United States or its territories or possessions
 31 including the Commonwealth of Puerto Rico but outside the
 32 area of employment.

33 (3) Individuals who are not normally residents of the area
 34 concerned and who are discharged from service in the armed
 35 forces to accept employment with an agency of the Govern-
 36 ment of the United States.

37 (c) Annual leave in excess of the amount allowable—

38 (1) under subsection (a) or (b) of this section which was ac-
 39 cumulated under earlier statute; or

40 (2) under subsection (a) of this section which was accumu-

lated under subsection (b) of this section by an employee who becomes subject to subsection (a) of this section; remains to the credit of the employee until used. The excess annual leave is reduced at the beginning of the first full biweekly pay period, or corresponding period for an employee who is not paid on the basis of biweekly pay periods, occurring in a year, by the amount of annual leave the employee used during the preceding year in excess of the amount which accrued during that year, until the employee's accumulated leave does not exceed the amount allowed under subsection (a) or (b) of this section, as appropriate.

§ 6305. Home leave; foreign-service leave

(a) After 24 months of continuous service outside the United States, an employee may be granted leave of absence, under regulations of the President, at a rate not to exceed 1 week for each 4 months of that service without regard to other leave provided by this subchapter. Leave so granted—

(1) is for use in the United States, or if the employee's place of residence is outside the area of employment, in its territories or possessions including the Commonwealth of Puerto Rico;

(2) accumulates for future use without regard to the limitation in section 6304(b) of this title; and

(3) may not be made the basis for terminal leave or for a lump-sum payment.

(b) The President may authorize leave of absence to an officer excepted from this subchapter by section 6301(2)(xii) of this title for use in the United States and its territories or possessions. Leave so authorized does not constitute a leave system and may not be made the basis for a lump-sum payment.

§ 6306. Annual leave; refund of lump-sum payment; recredit of annual leave

(a) When an individual who received a lump-sum payment for leave under section 5551 of this title is reemployed before the end of the period covered by the lump-sum payment in or under the Government of the United States or the government of the District of Columbia, except in a position excepted from this subchapter by section 6301(2)(ii), (iii), (vi), or (vii) of this title, he shall refund to the employing agency an amount equal to the pay covering the period between the date of reemployment and the expiration of the lump-sum period.

(b) An amount refunded under subsection (a) of this section shall be deposited in the Treasury of the United States to the credit of the

1 employing agency. When an individual is reemployed under the
 2 same leave system, an amount of leave equal to the leave represented
 3 by the refund shall be reccredited to him in the employing agency.
 4 When an individual is reemployed under a different leave system, an
 5 amount of leave equal to the leave represented by the refund shall
 6 be reccredited to him in the employing agency on an adjusted basis
 7 under regulations prescribed by the Civil Service Commission. When
 8 an individual is reemployed in a position excepted from this sub-
 9 chapter by section 6301(2) (x)–(xii) of this title, an amount of leave
 10 equal to the leave represented by the refund is deemed, on separation
 11 from the service, death, or transfer to another position in the service,
 12 to have remained to his credit.

13 **§ 6307. Sick leave; accrual and accumulation**

14 (a) An employee is entitled to sick leave with pay which accrues on
 15 the basis of one-half day for each full biweekly pay period, except that
 16 sick leave with pay accrues to a member of the Firefighting Division
 17 of the Fire Department of the District of Columbia on the basis of
 18 two-fifths of a day for each full biweekly pay period.

19 (b) Sick leave provided by this section, which is not used by an
 20 employee, accumulates for use in succeeding years.

21 (c) When required by the exigencies of the situation, a maximum
 22 of 30 days sick leave with pay may be advanced for serious disability
 23 or ailment, except that a maximum of 24 days sick leave with pay
 24 may be advanced to a member of the Firefighting Division of the
 25 Fire Department of the District of Columbia.

26 **§ 6308. Transfers between positions under different leave systems**

27 The annual and sick leave to the credit of an employee who trans-
 28 fers between positions under different leave systems without a break in
 29 service shall be transferred to his credit in the employing agency on
 30 an adjusted basis under regulations prescribed by the Civil Service
 31 Commission, unless the individual is excepted from this subchapter
 32 by section 6301(2) (ii), (iii), (vi), or (vii) of this title. However,
 33 when a former member receiving a retirement annuity under sections
 34 521–535 of title 4, District of Columbia Code, is reemployed in a posi-
 35 tion to which this subchapter applies, his sick leave balance may not be
 36 reccredited to his account on the later reemployment.

37 **§ 6309. Leave of absence; rural carriers**

38 The authorized absence of a rural carrier on a Saturday which
 39 occurs at the beginning, within, or at the end of a period of annual or
 40 sick leave of at least 5 days' duration, or 4 days' duration if a

1 holiday falls at the beginning, within, or at the end of the period of
 2 annual or sick leave, is without charge to leave or loss of pay. A
 3 Saturday occurring in a period of annual or sick leave taken in a
 4 smaller number of days, at the option of the carrier, may be charged
 5 to his accrued leave and when so charged he is entitled to be paid for
 6 that absence.

7 **§ 6310. Leave of absence; aliens**

8 The head of the agency concerned may grant leave of absence with
 9 pay, not in excess of the amount of annual and sick leave allowable to
 10 citizen employees under this subchapter, to alien employees who
 11 occupy positions outside the United States.

12 **§ 6311. Regulations**

13 The Civil Service Commission may prescribe regulations necessary
 14 for the administration of this subchapter.

15 **SUBCHAPTER II—OTHER PAID LEAVE**

16 **§ 6321. Absence of veterans to attend funeral services**

17 An employee in or under an Executive agency who is a veteran of
 18 a war, or of a campaign or expedition for which a campaign badge
 19 has been authorized, or a member of an honor or ceremonial group of
 20 an organization of those veterans, may be excused from duty without
 21 loss of pay or deduction from annual leave for the time necessary, not
 22 to exceed 4 hours in any one day, to enable him to participate as an
 23 active pallbearer or as a member of a firing squad or a guard of honor
 24 in a funeral ceremony for a member of the armed forces whose
 25 remains are returned from abroad for final interment in the United
 26 States.

27 **§ 6322. Leave for jury service**

28 Except as provided by section 5515 of this title, the pay of an
 29 employee as defined by section 2105 of this title or an individual em-
 30 ployed by the government of the District of Columbia may not be
 31 reduced during a period of absence for jury service in a State court or
 32 a court of the United States because of the absence. The period of
 33 absence for jury service is without deduction from other leave of
 34 absence authorized by statute.

35 **§ 6323. Military leave; Reserves and National Guardsmen**

36 (a) An employee as defined by section 2105 of this title (except a
 37 substitute in the postal field service) or an individual employed by the
 38 government of the District of Columbia, permanent or temporary
 39 indefinite, is entitled to leave without loss of pay, time, or performance
 40 or efficiency rating for each day, not in excess of 15 days in a calendar

1 year, in which he is on active duty or is engaged in field or coast
2 defense training under sections 502-505 of title 32 as a Reserve of the
3 armed forces or member of the National Guard.

4 (b) A substitute employee in the postal field service is entitled to
5 leave without loss of pay, time, or efficiency rating for absence, not
6 in excess of 80 hours in a calendar year, because of active duty or
7 field or coast defense training under sections 502-505 of title 32 as
8 a Reserve of the armed forces or member of the National Guard.
9 This leave is on the basis of 1 hour of leave for each period aggre-
10 gating 26 hours of work performed during the calendar year im-
11 mediately before the calendar year in which he is ordered to that
12 duty or training. However, he is entitled to this leave only if he
13 worked at least 1,040 hours during that calendar year.

14 § 6324. Absence of certain police and firemen

15 (a) Sick leave may not be charged to the account of a member of
16 the Metropolitan Police force or the Fire Department of the District
17 of Columbia, the United States Park Police force, or the White House
18 Police force for an absence due to injury or illness resulting from the
19 performance of duty.

20 (b) The determination of whether an injury or illness resulted
21 from the performance of duty shall be made under regulations
22 prescribed by—

23 (1) the Commissioners of the District of Columbia for mem-
24 bers of the Metropolitan Police force and the Fire Department of
25 the District of Columbia;

26 (2) the Secretary of the Interior for the United States Park
27 Police force; and

28 (3) the Secretary of the Treasury for the White House Police
29 force.

30 Subpart F—Employee Relations

31 CHAPTER 71—POLICIES

32 SUBCHAPTER I—EMPLOYEE ORGANIZATIONS

Sec.

7101. Right to organize; postal employees.

7102. Right to petition Congress; employees.

33 SUBCHAPTER II—ANTIDISCRIMINATION IN 34 EMPLOYMENT

Sec.

7151. Policy.

7152. Marital status.

7153. Physical handicap.

7154. Other prohibitions.

SUBCHAPTER I—EMPLOYEE ORGANIZATIONS

§ 7101. Right to organize; postal employees

A postal employee may not be reduced in rank or pay or removed from the postal service because of—

(1) membership in an organization of postal employees having for its objects, among other things, improvements in the working conditions of its members, including hours of work, pay, and leave of absence, and which is not affiliated with an outside organization imposing an obligation on the employees to engage in a strike, or proposing to assist them in a strike, against the United States; or

(2) presenting, individually or as a member of a group of postal employees, a grievance to Congress or a Member of Congress.

§ 7102. Right to petition Congress; employees

The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.

SUBCHAPTER II—ANTIDISCRIMINATION IN EMPLOYMENT

§ 7151. Policy

It is the policy of the United States to insure equal employment opportunities for employees without discrimination because of race, color, religion, sex, or national origin. The President shall use his existing authority to carry out this policy.

§ 7152. Marital status

The President may prescribe rules which shall prohibit, as nearly as conditions of good administration warrant, discrimination because of marital status in an Executive agency or in the competitive service.

§ 7153. Physical handicap

The President may prescribe rules which shall prohibit, as nearly as conditions of good administration warrant, discrimination because of physical handicap in an Executive agency or in the competitive service with respect to a position the duties of which, in the opinion of the Civil Service Commission, can be performed efficiently by an individual with a physical handicap, except that the employment may not endanger the health or safety of the individual or others.

1 **§ 7154. Other prohibitions**

2 (a) The head of an Executive department or military department
3 may appoint qualified women to positions in the department with the
4 legal pay of the positions to which appointed.

5 (b) In the administration of chapter 51, subchapter III of chapter
6 53, and sections 305 and 3324 of this title, discrimination because of
7 race, color, creed, sex, or marital status is prohibited with respect to
8 an individual or a position held by an individual.

9 (c) The Civil Service Commission may prescribe regulations neces-
10 sary for the administration of subsection (b) of this section.

11 **CHAPTER 73—SUITABILITY, SECURITY, AND CONDUCT**

12 **SUBCHAPTER I—REGULATION OF CONDUCT**

Sec.

7301. Presidential regulations.

13 **SUBCHAPTER II—LOYALTY, SECURITY, AND STRIKING**

Sec.

7311. Loyalty and striking.

7312. Employment and clearance; individuals removed for national security.

14 **SUBCHAPTER III—POLITICAL ACTIVITIES**

Sec.

7321. Political contributions and services.

7322. Political use of authority or influence; prohibition.

7323. Political contributions; prohibition.

7324. Influencing elections; taking part in political campaigns; prohibitions;
exceptions.

7325. Penalties.

7326. Nonpartisan political activity permitted.

7327. Political activity permitted; employees residing in certain municipalities.

15 **SUBCHAPTER IV—FOREIGN DECORATIONS**

Sec.

7341. Receipt and display of foreign decorations.

16 **SUBCHAPTER V—MISCONDUCT**

Sec.

7351. Gifts to superiors.

7352. Excessive and habitual use of intoxicants.

17 **SUBCHAPTER I—REGULATION OF CONDUCT**

18 **§ 7301. Presidential regulations**

19 The President may prescribe regulations for the conduct of em-
20 ployees in the executive branch.

21 **SUBCHAPTER II—LOYALTY, SECURITY, AND STRIKING**

22 **§ 7311. Loyalty and striking**

23 An individual may not accept or hold a position in the Government
24 of the United States or the government of the District of Columbia
25 if he—

26 (1) advocates the overthrow of our constitutional form of
27 government;

28 (2) is a member of an organization that he knows advocates
29 the overthrow of our constitutional form of government;

(3) participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia; or

(4) is a member of an organization of employees of the Government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the Government of the United States or the government of the District of Columbia.

§ 7312. Employment and clearance; individuals removed for national security

Removal under section 7532 of this title does not affect the right of an individual so removed to seek or accept employment in an agency of the United States other than the agency from which removed. However, the appointment of an individual so removed may be made only after the head of the agency concerned has consulted with the Civil Service Commission. The Commission, on written request of the head of the agency or the individual so removed, may determine whether the individual is eligible for employment in an agency other than the agency from which removed.

SUBCHAPTER III—POLITICAL ACTIVITIES

§ 7321. Political contributions and services

The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that an employee in an Executive agency or in the competitive service is not obliged, by reason of that employment, to contribute to a political fund or to render political service, and that he may not be removed or otherwise prejudiced for refusal to do so.

§ 7322. Political use of authority or influence; prohibition

The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that an employee in an Executive agency or in the competitive service may not use his official authority or influence to coerce the political action of a person or body.

§ 7323. Political contributions; prohibition

An employee in an Executive agency (except one appointed by the President, by and with the advice and consent of the Senate) may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a thing of value for political purposes. An employee who violates this section shall be removed from the service.

1 **§ 7324. Influencing elections; taking part in political campaigns;**
 2 **prohibitions; exceptions**

3 (a) An employee in an Executive agency or an individual employed
 4 by the government of the District of Columbia may not—

5 (1) use his official authority or influence for the purpose of
 6 interfering with or affecting the result of an election; or

7 (2) take an active part in political management or in political
 8 campaigns.

9 For the purpose of this subsection, the phrase “an active part in polit-
 10 ical management or in political campaigns” means those acts of polit-
 11 ical management or political campaigning which were prohibited on
 12 the part of employees in the competitive service before July 19, 1940,
 13 by determinations of the Civil Service Commission under the rules
 14 prescribed by the President.

15 (b) An employee or individual to whom subsection (a) of this section
 16 applies retains the right to vote as he chooses and to express his opinion
 17 on political subjects and candidates.

18 (c) Subsection (a) of this section does not apply to an individual
 19 employed by an educational or research institution, establishment,
 20 agency, or system which is supported in whole or in part by the District
 21 of Columbia or by a recognized religious, philanthropic, or cultural
 22 organization.

23 (d) Subsection (a) (2) of this section does not apply to—

24 (1) an employee paid from the appropriation for the office
 25 of the President;

26 (2) the head or the assistant head of an Executive department
 27 or military department;

28 (3) an employee appointed by the President, by and with the
 29 advice and consent of the Senate, who determines policies to be
 30 pursued by the United States in its relations with foreign powers
 31 or in the nationwide administration of Federal laws;

32 (4) the Commissioners of the District of Columbia; or

33 (5) the Recorder of Deeds of the District of Columbia.

34 **§ 7325. Penalties**

35 An employee or individual who violates section 7324 of this title shall
 36 be removed from his position, and funds appropriated for the position
 37 from which removed thereafter may not be used to pay the employee or
 38 individual. However, if the Civil Service Commission finds by unani-
 39 mous vote that the violation does not warrant removal, a penalty of
 40 not less than 30 days' suspension without pay shall be imposed by
 41 direction of the Commission.

§ 7326. Nonpartisan political activity permitted

Section 7324(a) (2) of this title does not prohibit political activity in connection with—

(1) an election and the preceding campaign if none of the candidates is to be nominated or elected at that election as representing a party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected; or

(2) a question which is not specifically identified with a National or State political party or political party of a territory or possession of the United States.

For the purpose of this section, questions relating to constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, are deemed not specifically identified with a National or State political party or political party of a territory or possession of the United States.

§ 7327. Political activity permitted; employees residing in certain municipalities

(a) Section 7324(a) (2) of this title does not apply to an employee of The Alaska Railroad who resides in a municipality on the line of the railroad in respect to political activities involving that municipality.

(b) The Civil Service Commission may prescribe regulations permitting employees and individuals to whom section 7324 of this title applies to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Commission considers it to be in their domestic interest, when—

(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and

(2) the Commisison determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.

SUBCHAPTER IV—FOREIGN DECORATIONS

§ 7341. Receipt and display of foreign decorations

A present, decoration, or other thing presented or conferred by a foreign government to an employee, a Member of Congress, the President, or a member of a uniformed service shall be tendered through the Department of State and not to the individual in person.

1 The Department may deliver the present, decoration, or thing to the
 2 individual in person only if authorized by statute. After delivery is
 3 authorized by statute, the individual may not publicly show or wear
 4 the present, decoration, or thing. The Secretary of State shall fur-
 5 nish the 89th Congress and each alternate Congress thereafter a list
 6 of retired individuals for whom the Department of State is holding
 7 a present, decoration, or thing under this section.

8 SUBCHAPTER V—MISCONDUCT

9 § 7351. Gifts to superiors

10 An employee may not—

- 11 (1) solicit a contribution from another employee for a gift to
- 12 an official superior;
- 13 (2) make a donation as a gift to an official superior; or
- 14 (3) accept a gift from an employee receiving less pay than
- 15 himself.

16 An employee who violates this section shall be removed from the
 17 service.

18 § 7352. Excessive and habitual use of intoxicants

19 An individual who habitually uses intoxicating beverages to excess
 20 may not be employed in the competitive service.

21 CHAPTER 75—ADVERSE ACTIONS

22 SUBCHAPTER I—COMPETITIVE SERVICE

Sec.

7501. Cause; procedure; exception.

23 SUBCHAPTER II—PREFERENCE ELIGIBLES

Sec.

7511. Definitions.

7512. Cause; procedure; exception.

24 SUBCHAPTER III—HEARING EXAMINERS

Sec.

7521. Removal.

25 SUBCHAPTER IV—NATIONAL SECURITY

Sec.

7531. Definitions.

7532. Suspension and removal.

7533. Effect on other statutes.

26 SUBCHAPTER I—COMPETITIVE SERVICE

27 § 7501. Cause; procedure; exception

28 (a) An individual in the competitive service may be removed or
 29 suspended without pay only for such cause as will promote the
 30 efficiency of the service.

31 (b) An individual in the competitive service whose removal or
 32 suspension without pay is sought is entitled to reasons in writing and
 33 to—

- 34 (1) notice of the action sought and of any charges preferred
- 35 against him;

(2) a copy of the charges;

(3) a reasonable time for filing a written answer to the charges, with affidavits; and

(4) a written decision on the answer at the earliest practicable date.

Examination of witnesses, trial, or hearing is not required but may be provided in the discretion of the individual directing the removal or suspension without pay. Copies of the charges, the notice of hearing, the answer, the reasons for and the order of removal or suspension without pay, and also the reasons for reduction in grade or pay, shall be made a part of the records of the employing agency, and, on request, shall be furnished to the individual affected and to the Civil Service Commission.

(c) This section applies to a preference eligible employee as defined by section 7511 of this title only if he so elects. This section does not apply to the suspension or removal of an employee under section 7532 of this title.

SUBCHAPTER II—PREFERENCE ELIGIBLES

§ 7511. Definitions

For the purpose of this subchapter—

(1) “preference eligible employee” means a permanent or indefinite preference eligible who has completed a probationary or trial period as an employee of an Executive agency or as an individual employed by the government of the District of Columbia, but does not include an employee whose appointment is required by Congress to be confirmed by, or made with the advice and consent of, the Senate, except an employee whose appointment is made under section 3311 of title 39; and

(2) “adverse action” means a removal, suspension for more than 30 days, furlough without pay, or reduction in rank or pay.

§ 7512. Cause; procedure; exception

(a) An agency may take adverse action against a preference eligible employee, or debar him for future appointment, only for such cause as will promote the efficiency of the service.

(b) A preference eligible employee against whom adverse action is proposed is entitled to—

(1) at least 30 days’ advance written notice, except when there is reasonable cause to believe him guilty of a crime for which a sentence of imprisonment can be imposed, stating any and all reasons, specifically and in detail, for the proposed action;

1 (2) a reasonable time for answering the notice personally and
2 in writing and for furnishing affidavits in support of the answer;
3 and

4 (3) a notice of an adverse decision.

5 (c) This section does not apply to the suspension or removal of a
6 preference eligible employee under section 7532 of this title.

7 SUBCHAPTER III—HEARING EXAMINERS

8 § 7521. Removal

9 A hearing examiner appointed under section 3105 of this title may
10 be removed by the agency in which he is employed only for good cause
11 established and determined by the Civil Service Commission on the
12 record after opportunity for hearing.

13 SUBCHAPTER IV—NATIONAL SECURITY

14 § 7531. Definitions

15 For the purpose of this subchapter, "agency" means—

- 16 (1) the Department of State;
- 17 (2) the Department of Commerce;
- 18 (3) the Department of Justice;
- 19 (4) the Department of Defense;
- 20 (5) a military department;
- 21 (6) the Coast Guard;
- 22 (7) the Atomic Energy Commission;
- 23 (8) the National Aeronautics and Space Administration; and
- 24 (9) such other agency of the Government of the United States
- 25 as the President designates in the best interests of national
- 26 security.

27 The President shall report any designation to the Committees on the
28 Armed Services of the Congress.

29 § 7532. Suspension and removal

30 (a) Notwithstanding other statutes, the head of an agency may sus-
31 pend without pay an employee of his agency when he considers that
32 action necessary in the interests of national security. To the extent
33 that the head of the agency determines that the interests of national
34 security permit, the suspended employee shall be notified of the reasons
35 for the suspension. Within 30 days after the notification, the sus-
36 pended employee is entitled to submit to the official designated by the
37 head of the agency statements or affidavits to show why he should be
38 restored to duty.

39 (b) Subject to subsection (c) of this section, the head of an agency
40 may remove an employee suspended under subsection (a) of this

section when, after such investigation and review as he considers necessary, he determines that removal is necessary or advisable in the interests of national security. The determination of the head of the agency is final.

(c) An employee suspended under subsection (a) of this section who—

- (1) has a permanent or indefinite appointment;
- (2) has completed his probationary or trial period; and
- (3) is a citizen of the United States;

is entitled, after suspension and before removal, to—

(A) a written statement of the charges against him within 30 days after suspension, which may be amended within 30 days thereafter and which shall be stated as specifically as security considerations permit;

(B) an opportunity within 30 days thereafter, plus an additional 30 days if the charges are amended, to answer the charges and submit affidavits;

(C) a hearing, at the request of the employee, by an agency authority duly constituted for this purpose;

(D) a review of his case by the head of the agency or his designee, before a decision adverse to the employee is made final; and

(E) a written statement of the decision of the head of the agency.

§ 7533. Effect on other statutes

This subchapter does not impair the powers vested in the Atomic Energy Commission by chapter 23 of title 42, or the requirement in section 2201(d) of title 42 that adequate provision be made for administrative review of a determination to dismiss an employee of the Atomic Energy Commission.

CHAPTER 77—APPEALS

Sec.

7701. Appeals of preference eligibles.

§ 7701. Appeals of preference eligibles

A preference eligible employee as defined by section 7511 of this title is entitled to appeal to the Civil Service Commission from an adverse decision under section 7512 of this title of an administrative authority so acting. The employee shall submit the appeal in writing within a reasonable time after receipt of notice of the adverse decision, and is entitled to appear personally or through a representative under regulations prescribed by the Commission. The Commis-

1 sion, after investigation and consideration of the evidence submitted,
 2 shall submit its findings and recommendations to the administrative
 3 authority and shall send copies of the findings and recommendations to
 4 the appellant or his representative. The administrative authority
 5 shall take the corrective action that the Commission finally
 6 recommends.

7 **CHAPTER 79—SERVICES TO EMPLOYEES**

Sec.

7901. Health service programs.

7902. Safety programs.

7903. Protective clothing and equipment.

8 **§ 7901. Health service programs**

9 (a) The head of each agency of the Government of the United
 10 States may establish, within the limits of appropriations available, a
 11 health service program to promote and maintain the physical and
 12 mental fitness of employees under his jurisdiction.

13 (b) A health service program may be established by contract or
 14 otherwise, but only—

15 (1) after consultation with the Public Health Service and con-
 16 sideration of its recommendations; and

17 (2) in localities where there are a sufficient number of
 18 employees to warrant providing the service.

19 (c) A health service program is limited to—

20 (1) treatment of on-the-job illness and dental conditions
 21 requiring emergency attention;

22 (2) preemployment and other examinations;

23 (3) referral of employees to private physicians and dentists;
 24 and

25 (4) preventive programs relating to health.

26 (d) The Public Health Service, on request, shall review a health
 27 service program conducted under this section and shall submit com-
 28 ment and recommendations to the head of the agency concerned.

29 (e) When this section authorizes the use of the professional services
 30 of physicians, that authorization includes the use of the professional
 31 services of surgeons and osteopathic practitioners within the scope
 32 of their practice as defined by State law.

33 (f) The health programs conducted by the following agencies are
 34 not affected by this section—

35 (1) the Tennessee Valley Authority;

36 (2) the Canal Zone Government; and

37 (3) the Panama Canal Company.

1 **§ 7902. Safety programs**

2 (a) For the purpose of this section—

3 (1) “employee” means an employee as defined by section 8101
4 of this title; and

5 (2) “agency” means an agency in any branch of the Govern-
6 ment of the United States, including an instrumentality wholly
7 owned by the United States, and the government of the District
8 of Columbia.

9 (b) The Secretary of Labor shall carry out a safety program cover-
10 ing the employment of each employee of an agency, and for that
11 purpose section 941 of title 33, insofar as applicable, applies in the
12 same manner and to the same extent as though incorporated in this
13 section.

14 (c) The President may—

15 (1) establish by Executive order a safety council composed of
16 representatives of the agencies to serve as an advisory body to the
17 Secretary in furtherance of the safety program carried out by the
18 Secretary under subsection (b) of this section; and

19 (2) undertake such other measures as he considers proper to
20 prevent injuries and accidents to employees of the agencies.

21 (d) The head of each agency shall develop and support organized
22 safety promotion to reduce accidents and injuries among employees
23 of his agency, encourage safe practices, and eliminate work hazards
24 and health risks.

25 (e) Each agency shall—

26 (1) keep a record of injuries and accidents to its employees
27 whether or not they result in loss of time or in the payment or
28 furnishing of benefits; and

29 (2) make such statistical or other reports on such forms as the
30 Secretary may prescribe by regulation.

31 **§ 7903. Protective clothing and equipment**

32 Appropriations available for the procurement of supplies and
33 material or equipment are available for the purchase and maintenance
34 of special clothing and equipment for the protection of personnel in
35 the performance of their assigned tasks. For the purpose of this
36 section, “appropriations” includes funds made available by statute
37 under section 849 of title 31.

- 1 **Subpart G—Insurance and Annuities**
- 2 **CHAPTER 81—COMPENSATION FOR WORK INJURIES**
- 3 **SUBCHAPTER I—GENERALLY**
- Sec.
8101. Definitions.
8102. Compensation for disability or death of employee.
8103. Medical services and initial medical and other benefits.
8104. Vocational rehabilitation.
8105. Total disability.
8106. Partial disability.
8107. Compensation schedule.
8108. Reduction of compensation for subsequent injury to same member.
8109. Beneficiaries of awards unpaid at death ; order of precedence.
8110. Augmented compensation for dependents.
8111. Additional compensation for services of attendants or vocational rehabilitation.
8112. Maximum and minimum monthly payments.
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SUBCHAPTER I—GENERALLY

§ 8101. Definitions

For the purpose of this subchapter—

(1) “employee” means—

(A) a civil officer or employee in any branch of the Government of the United States, including an officer or employee of an instrumentality wholly owned by the United States;

(B) an individual rendering personal service to the United States similar to the service of a civil officer or employee of the United States, without pay or for nominal pay, when a statute authorizes the acceptance or use of the service, or authorizes payment of travel or other expenses of the individual;

(C) an individual, other than an independent contractor or an individual employed by an independent contractor, employed on the Menominee Indian Reservation in Wisconsin in operations conducted under a statute relating to tribal timber and logging operations on that reservation;

(D) an individual employed by the government of the District of Columbia; and

(E) an individual appointed to a position on the office staff of a former President under section 1(b) of the Act of August 25, 1958 (72 Stat. 838);

but does not include—

(i) a commissioned officer of the Regular Corps of the Public Health Service;

(ii) a commissioned officer of the Reserve Corps of the Public Health Service on active duty;

(iii) a commissioned officer of the Coast and Geodetic Survey; or

(iv) a member of the Metropolitan Police or the Fire Department of the District of Columbia who is pensioned or pensionable under sections 521–535 of title 4, District of Columbia Code;

(2) “physician” includes surgeons and osteopathic practitioners within the scope of their practice as defined by State law;

(3) “medical, surgical, and hospital services and supplies” includes services and supplies by osteopathic practitioners and hospitals within the scope of their practice as defined by State law;

1 (4) "monthly pay" means the monthly pay at the time of
 2 injury, or the monthly pay at the time disability begins, or the
 3 monthly pay at the time compensable disability recurs, if the
 4 recurrence begins more than 6 months after the injured employee
 5 resumes regular full-time employment with the United States,
 6 whichever is greater, except when otherwise determined under
 7 section 8113 of this title with respect to any period;

8 (5) "injury" includes, in addition to injury by accident, a
 9 disease proximately caused by the employment;

10 (6) "widow" means the wife living with or dependent for sup-
 11 port on the decedent at the time of his death, or living apart for
 12 reasonable cause or because of his desertion;

13 (7) "parent" includes stepparents and parents by adoption;

14 (8) "brother" and "sister" mean one who at the time of the
 15 death of the employee is under 18 years of age or over that age and
 16 incapable of self-support, and include stepbrothers and step-
 17 sisters, half brothers and half sisters, and brothers and sisters by
 18 adoption, but do not include married brothers or married sisters;

19 (9) "child" means one who at the time of the death of the
 20 employee is under 18 years of age or over that age and incapable
 21 of self-support, and includes stepchildren, adopted children, and
 22 posthumous children, but does not include married children;

23 (10) "grandchild" means one who at the time of the death of
 24 the employee is under 18 years of age or over that age and
 25 incapable of self-support;

26 (11) "widower" means one who, because of physical or mental
 27 disability, was wholly dependent for support on the employee at
 28 the time of her death;

29 (12) "compensation" includes the money allowance payable to
 30 an employee or his dependents and any other benefits paid for
 31 from the Employees' Compensation Fund, but this does not in any
 32 way reduce the amount of the monthly compensation payable for
 33 disability or death;

34 (13) "war-risk hazard" means a hazard arising during a war in
 35 which the United States is engaged; during an armed conflict in
 36 which the United States is engaged, whether or not war has
 37 been declared; or during a war or armed conflict between military
 38 forces of any origin, occurring in the country in which an in-
 39 dividual to whom this subchapter applies is serving; from—

40 (A) the discharge of a missile, including liquids and gas, or
 41 the use of a weapon, explosive, or other noxious thing by a

hostile force or individual or in combating an attack or an imagined attack by a hostile force or individual;

(B) action of a hostile force or individual, including rebellion or insurrection against the United States or any of its allies;

(C) the discharge or explosion of munitions intended for use in connection with a war or armed conflict with a hostile force or individual;

(D) the collision of vessels on convoy or the operation of vessels or aircraft without running lights or without other customary peacetime aids to navigation; or

(E) the operation of vessels or aircraft in a zone of hostilities or engaged in war activities;

(14) "hostile force or individual" means a nation, a subject of a foreign nation, or an individual serving a foreign nation—

(A) engaged in a war against the United States or any of its allies;

(B) engaged in armed conflict, whether or not war has been declared, against the United States or any of its allies; or

(C) engaged in a war or armed conflict between military forces of any origin in a country in which an individual to whom this subchapter applies is serving;

(15) "allies" means any nation with which the United States is engaged in a common military effort or with which the United States has entered into a common defensive military alliance; and

(16) "war activities" includes activities directly relating to military operations.

§ 8102. Compensation for disability or death of employee

(a) The United States shall pay compensation as specified by this subchapter for the disability or death of an employee resulting from personal injury sustained while in the performance of his duty, unless the injury or death is—

(1) caused by willful misconduct of the employee;

(2) caused by the employee's intention to bring about the injury or death of himself or of another; or

(3) proximately caused by the intoxication of the injured employee.

(b) Disability or death from a war-risk hazard or during or as a result of capture, detention, or other restraint by a hostile force or individual, suffered by an employee who is employed outside the con-

1 tinent United States or in Alaska or in the Canal Zone, is deemed to
 2 have resulted from personal injury sustained while in the performance
 3 of his duty, whether or not the employee was engaged in the course of
 4 employment when the disability or disability resulting in death
 5 occurred or when he was taken by the hostile force or individual. This
 6 subsection does not apply to an individual—

7 (1) whose residence is at or in the vicinity of the place of his
 8 employment and who was not living there solely because of the
 9 exigencies of his employment, unless he was injured or taken
 10 while engaged in the course of his employment; or

11 (2) who is a prisoner of war or a protected individual under
 12 the Geneva Conventions of 1949 and is detained or utilized by
 13 the United States.

14 This subsection does not affect the payment of compensation under
 15 this subchapter derived otherwise than under this subsection, but
 16 compensation for disability or death does not accrue for a period for
 17 which pay, other benefit, or gratuity from the United States accrues
 18 to the disabled individual or his dependents on account of detention
 19 by the enemy or because of the same disability or death, unless that
 20 pay, benefit, or gratuity is refunded or renounced.

21 **§ 8103. Medical services and initial medical and other benefits**

22 (a) The United States shall furnish to an employee who is injured
 23 while in the performance of duty, the services, appliances, and sup-
 24 plies prescribed or recommended by a qualified physician, which the
 25 Secretary of Labor considers likely to cure, give relief, reduce the
 26 degree or the period of disability, or aid in lessening the amount of
 27 the monthly compensation. These services, appliances, and supplies
 28 shall be furnished—

29 (1) whether or not disability has arisen;

30 (2) notwithstanding that the employee has accepted or is en-
 31 titled to receive benefits under subchapter III of chapter 83 of
 32 this title; and

33 (3) by or on the order of United States medical officers and
 34 hospitals, or, when this is not practicable, by or on the order of
 35 private physicians and hospitals designated or approved by the
 36 Secretary.

37 The employee may be furnished transportation and may be paid all
 38 expenses incident to the securing of these services, appliances, and
 39 supplies which the Secretary considers necessary and reasonable.
 40 These expenses, when authorized or approved by the Secretary, shall
 41 be paid from the Employees' Compensation Fund.

(b) The Secretary, under such limitations or conditions as he considers necessary, may authorize the employing agencies to provide for the initial furnishing of medical and other benefits under this section. The Secretary may certify vouchers for these expenses out of the Employees' Compensation Fund when the immediate superior of the employee certifies that the expense was incurred in respect to an injury which was accepted by the employing agency as probably compensable under this subchapter. The Secretary shall prescribe the form and content of the certificate.

§ 8104. Vocational rehabilitation

The Secretary of Labor may direct a permanently disabled individual whose disability is compensable under this subchapter to undergo vocational rehabilitation. The Secretary shall provide for furnishing the vocational rehabilitation services. In providing for these services, the Secretary, insofar as practicable, shall use the services or facilities of State agencies and corresponding agencies which cooperate with the Secretary of Health, Education, and Welfare in carrying out the purposes of chapter 4 of title 29, except to the extent that the Secretary of Labor provides for furnishing these services under section 8103 of this title. The cost of providing these services to individuals undergoing vocational rehabilitation under this section shall be paid from the Employees' Compensation Fund. However, in reimbursing a State or corresponding agency under an arrangement pursuant to this section the cost to the agency reimbursable in full under section 32(b)(1) of title 29 is excluded.

§ 8105. Total disability

(a) If the disability is total, the United States shall pay the employee during the disability monthly monetary compensation equal to 66 $\frac{2}{3}$ percent of his monthly pay, which is known as his basic compensation for total disability.

(b) The loss of use of both hands, both arms, both feet, or both legs, or the loss of sight of both eyes, is prima facie permanent total disability.

§ 8106. Partial disability

(a) If the disability is partial, the United States shall pay the employee during the disability monthly monetary compensation equal to 66 $\frac{2}{3}$ percent of the difference between his monthly pay and his monthly wage-earning capacity after the beginning of the partial disability, which is known as his basic compensation for partial disability.

(b) The Secretary of Labor may require a partially disabled employee to report his earnings from employment or self-employment, by affidavit or otherwise, in the manner and at the times the Secretary specifies. The employee shall include in the affidavit or report the value of housing, board, lodging, and other advantages which are part of his earnings in employment or self-employment and which can be estimated in money. An employee who—

(1) fails to make an affidavit or report when required; or

(2) knowingly omits or understates any part of his earnings; forfeits his right to compensation with respect to any period for which the affidavit or report was required. Compensation forfeited under this subsection, if already paid, shall be recovered by a deduction from the compensation payable to the employee or otherwise recovered under section 8129 of this title, unless recovery is waived under that section.

(c) A partially disabled employee who—

(1) refuses to seek suitable work; or

(2) refuses or neglects to work after suitable work is offered to, procured by, or secured for him; is not entitled to compensation.

§ 8107. Compensation schedule

(a) If there is a permanent disability involving—

(1) solely the loss of use of a member or function of the body, whether or not the cause of the disability originates in a part of the body other than the member; or

(2) disfigurement as provided by the schedule in subsection (c) of this section;

the employee is entitled to basic compensation for the period specified by the schedule at the rate of 66 $\frac{2}{3}$ percent of his monthly pay. The basic compensation is—

(A) in addition to compensation for temporary total or temporary partial disability; and

(B) instead of compensation for permanent disability, except in a case involving disfigurement and as otherwise provided by subsection (b) of this section.

(b) If an injury causes the total and permanent loss of use of an arm, a hand, a leg, a foot, or an eye, including loss of binocular vision, or total and permanent loss of hearing in both ears, whether or not the disability also involves other impairment of the body, the individual is entitled—

(1) for the period specified by the schedule in subsection (c)

of this section, to basic compensation at the rate of $66\frac{2}{3}$ percent of his monthly pay; and

(2) for a later period, to basic compensation as provided by—

(A) section 8105 of this title if the disability is total; or

(B) section 8106 of this title if the disability is partial.

The basic compensation is in addition to compensation for periods of temporary total or temporary partial disability, and is payable notwithstanding subsection (a) of this section and sections 8105 and 8106 of this title.

(c) The compensation schedule is as follows:

(1) Arm lost, 312 weeks' compensation.

(2) Leg lost, 288 weeks' compensation.

(3) Hand lost, 244 weeks' compensation.

(4) Foot lost, 205 weeks' compensation.

(5) Eye lost, 160 weeks' compensation.

(6) Thumb lost, 75 weeks' compensation.

(7) First finger lost, 46 weeks' compensation.

(8) Great toe lost, 38 weeks' compensation.

(9) Second finger lost, 30 weeks' compensation.

(10) Third finger lost, 25 weeks' compensation.

(11) Toe other than great toe lost, 16 weeks' compensation.

(12) Fourth finger lost, 15 weeks' compensation.

(13) Loss of hearing—

(A) complete loss of hearing of one ear, 52 weeks' compensation; or

(B) complete loss of hearing of both ears, 200 weeks' compensation.

(14) Compensation for loss of binocular vision or for loss of 80 percent or more of the vision of an eye is the same as for loss of the eye.

(15) Compensation for loss of more than one phalanx of a digit is the same as for loss of the entire digit. Compensation for loss of the first phalanx is one-half of the compensation for loss of the entire digit.

(16) If, in the case of an arm or a leg, the member is amputated above the wrist or ankle, compensation is the same as for loss of the arm or leg, respectively.

(17) Compensation for loss of use of two or more digits, or one or more phalanges of each of two or more digits, of a hand or foot, is proportioned to the loss of use of the hand or foot occasioned thereby.

1 (18) Compensation for permanent total loss of use of a member
2 is the same as for loss of the member.

3 (19) Compensation for permanent partial loss of use of a
4 member may be for proportionate loss of use of the member.
5 The degree of loss of vision or hearing under this schedule is de-
6 termined without regard to correction.

7 (20) In case of loss of use of more than one member or parts
8 of more than one member as enumerated by this schedule, the
9 compensation is for loss of use of each member or part thereof,
10 and the awards run consecutively. However, when the injury
11 affects only two or more digits of the same hand or foot, para-
12 graph (17) of this subsection applies, and when partial bilateral
13 loss of hearing is involved, compensation is computed on the loss
14 as affecting both ears.

15 (21) For serious disfigurement of the face, head, or neck of a
16 character likely to handicap an individual in securing or main-
17 taining employment, proper and equitable compensation not to
18 exceed \$3,500 shall be awarded in addition to any other compen-
19 sation payable under this schedule.

20 **§ 8108. Reduction of compensation for subsequent injury to same**
21 **member**

22 The period of compensation payable under the schedule in section
23 8107(c) of this title is reduced by the period of compensation paid or
24 payable under the schedule for an earlier injury if—

25 (1) compensation in both cases is for disability of the same
26 member or function or different parts of the same member or
27 function or for disfigurement; and

28 (2) the Secretary of Labor finds that compensation payable
29 for the later disability in whole or in part would duplicate the
30 compensation payable for the preexisting disability.

31 In such a case, for the purposes of disabilities specified by section
32 8107(b) of this title, compensation for disability continuing after the
33 scheduled period starts on expiration of that period as reduced under
34 this section.

35 **§ 8109. Beneficiaries of awards unpaid at death; order of prece-**
36 **dence**

37 (a) If an individual—

38 (1) has sustained disability compensable under section 8107(a)
39 of this title, including a disability compensable under the sched-
40 ule in section 8107(c) of this title because of section 8107(b) of
41 this title;

(2) has filed a valid claim in his lifetime; and

(3) dies from a cause other than the injury before the end of the period specified by the schedule;

the compensation specified by the schedule that is unpaid at his death, whether or not accrued or due at his death, shall be paid—

(A) under an award made before or after the death;

(B) for the period specified by the schedule;

(C) to and for the benefit of the persons then in being within the classes and proportions and on the conditions specified by this section; and

(D) in the following order of precedence:

(i) If there is no child, to the widow or widower.

(ii) If there are both a widow or widower and a child or children, one-half to the widow or widower and one-half to the child or children.

(iii) If there is no widow or widower, to the child or children.

(iv) If there is no survivor in the above classes, to the parent or parents wholly or partly dependent for support on the decedent, or to other wholly dependent relatives listed by section 8133(a)(5) of this title, or to both in proportions provided by regulation.

(v) If there is no survivor in the above classes and no burial allowance is payable under section 8134 of this title, an amount not exceeding that which would be expendable under section 8134 of this title if applicable shall be paid to reimburse a person equitably entitled thereto to the extent and in the proportion that he has paid the burial expenses, but a compensated insurer or other person obligated by law or contract to pay the burial expenses or a State or political subdivision or entity is deemed not equitably entitled.

(b) Payments under subsection (a) of this section, except for an amount payable for a period preceding the death of the individual, are at the basic rate of compensation for permanent disability specified by section 8107(a) of this title even if at the time of death the individual was entitled to the augmented rate specified by section 8110 of this title.

(c) A surviving beneficiary under subsection (a) of this section, except one under subsection (a)(D)(v), does not have a vested right to payment and must be alive to receive payment.

(d) A beneficiary under subsection (a) of this section, except one under subsection (a)(D)(v), ceases to be entitled to payment on the happening of an event which would terminate his right to compensation for death under section 8133 of this title. When that entitlement ceases, compensation remaining unpaid under subsection (a) of this section is payable to the surviving beneficiary in accordance with subsection (a) of this section.

§ 8110. Augmented compensation for dependents

(a) For the purpose of this section, "dependent" means—

(1) a wife, if—

(A) she is a member of the same household as the employee;

(B) she is receiving regular contributions from the employee for her support; or

(C) the employee has been ordered by a court to contribute to her support;

(2) a husband, if wholly dependent on the employee for support because of his own physical or mental disability;

(3) an unmarried child, while living with the employee or receiving regular contributions from the employee toward his support, and who is—

(A) under 18 years of age; or

(B) over 18 years of age and incapable of self-support because of physical or mental disability; and

(4) a parent, while wholly dependent on and supported by the employee.

(b) A disabled employee with one or more dependents is entitled to have his basic compensation for disability augmented—

(1) at the rate of $8\frac{1}{3}$ percent of his monthly pay if that compensation is payable under section 8105 or 8107(a) of this title including compensation payable under the schedule in section 8107(c) by virtue of section 8107(b) of this title; and

(2) at the rate of $8\frac{1}{3}$ percent of the difference between his monthly pay and his monthly wage-earning capacity if that compensation is payable under section 8106(a) of this title.

However, for a period of temporary total disability the augmentation of basic compensation for disability payable under section 8105 of this title is limited to that part of the monthly pay of the employee which is not in excess of \$420.

§ 8111. Additional compensation for services of attendants or vocational rehabilitation

(a) The Secretary of Labor may pay an employee who has been awarded compensation an additional sum of not more than \$125 a month, as the Secretary considers necessary, when the Secretary finds that the service of an attendant is necessary constantly because the employee is totally blind, or has lost the use of both hands or both feet, or is paralyzed and unable to walk, or because of other disability resulting from the injury making him so helpless as to require constant attendance.

(b) The Secretary may pay an individual undergoing vocational rehabilitation under section 8104 of this title additional compensation necessary for his maintenance, but not to exceed \$100 a month.

§ 8112. Maximum and minimum monthly payments

Except as provided by section 8138 of this title, the monthly rate of compensation for disability, including augmented compensation under section 8110 of this title but not including additional compensation under section 8111 of this title, may not exceed \$525 a month, and in case of total disability may not be less than \$180 a month or the amount of the monthly pay of the employee, whichever is less.

§ 8113. Increase or decrease of basic compensation

(a) If an individual—

(1) was a minor or employed in a learner's capacity at the time of injury; and

(2) was not physically or mentally handicapped before the injury;

the Secretary of Labor, on review under section 8128 of this title after the time the wage-earning capacity of the individual would probably have increased but for the injury, shall recompute prospectively the monetary compensation payable for disability on the basis of an assumed monthly pay corresponding to the probable increased wage-earning capacity.

(b) The Secretary, on review under section 8128 of this title after a disabled employee becomes 70 years of age and his wage-earning capacity would probably have decreased because of old age aside from and independently of the effects of the injury, shall recompute prospectively the monetary compensation payable for disability on the basis of an assumed monthly pay corresponding to the probable decreased wage-earning capacity.

1 (c) If an individual without good cause fails to apply for and
 2 undergo vocational rehabilitation when so directed under section 8104
 3 of this title, the Secretary, on review under section 8128 of this title
 4 and after finding that in the absence of the failure the wage-earning
 5 capacity of the individual would probably have substantially in-
 6 creased, may reduce prospectively the monetary compensation of the
 7 individual in accordance with what would probably have been his
 8 wage-earning capacity in the absence of the failure, until the indi-
 9 vidual in good faith complies with the direction of the Secretary.

10 § 8114. Computation of pay

11 (a) For the purpose of this section—

12 (1) “overtime pay” means pay for hours of service in excess
 13 of a statutory or other basic workweek or other basic unit of
 14 worktime, as observed by the employing establishment; and

15 (2) “year” means a period of 12 calendar months, or the equiva-
 16 lent thereof as specified by regulations prescribed by the Sec-
 17 retary of Labor.

18 (b) In computing monetary compensation for disability or death
 19 on the basis of monthly pay, that pay is determined under this section.

20 (c) The monthly pay at the time of injury is deemed one-twelfth
 21 of the average annual earnings of the employee at that time. When
 22 compensation is paid on a weekly basis, the weekly equivalent of the
 23 monthly pay is deemed one-fifty-second of the average annual earn-
 24 ings. However, for so much of a period of total disability as does
 25 not exceed 90 calendar days from the date of the beginning of com-
 26 pensable disability, the compensation, in the discretion of the Secre-
 27 tary of Labor, may be computed on the basis of the actual daily wage
 28 of the employee at the time of injury in which event he may be paid
 29 compensation for the days he would have worked but for the injury.

30 (d) Average annual earnings are determined as follows:

31 (1) If the employee worked in the employment in which he
 32 was employed at the time of his injury during substantially the
 33 whole year immediately preceding the injury and the em-
 34 ployment was in a position for which an annual rate of pay—

35 (A) was fixed, the average annual earnings are the annual
 36 rate of pay; or

37 (B) was not fixed, the average annual earnings are the
 38 product obtained by multiplying his daily wage for the par-
 39 ticular employment, or the average thereof if the daily wage
 40 has fluctuated, by 300 if he was employed on the basis of a

6-day workweek, 280 if employed on the basis of a 5½-day week, and 260 if employed on the basis of a 5-day week.

(2) If the employee did not work in employment in which he was employed at the time of his injury during substantially the whole year immediately preceding the injury, but the position was one which would have afforded employment for substantially a whole year, the average annual earnings are a sum equal to the average annual earnings of an employee of the same class working substantially the whole immediately preceding year in the same or similar employment by the United States in the same or neighboring place, as determined under paragraph (1) of this subsection.

(3) If either of the foregoing methods of determining the average annual earnings cannot be applied reasonably and fairly, the average annual earnings are a sum that reasonably represents the annual earning capacity of the injured employee in the employment in which he was working at the time of the injury having regard to the previous earnings of the employee in Federal employment, and of other employees of the United States in the same or most similar class working in the same or most similar employment in the same or neighboring location, other previous employment of the employee, or other relevant factors. However, the average annual earnings may not be less than 150 times the average daily wage the employee earned in the employment during the days employed within 1 year immediately preceding his injury.

(4) If the employee served without pay or at nominal pay, paragraphs (1), (2), and (3) of this subsection apply as far as practicable, but the average annual earnings of the employee may not exceed the minimum rate of basic pay for GS-15. If the average annual earnings cannot be determined reasonably and fairly in the manner otherwise provided by this section, the average annual earnings shall be determined at the reasonable value of the service performed but not in excess of \$3,600 a year.

(e) The value of subsistence and quarters, and of any other form of remuneration in kind for services if its value can be estimated in money, is included as part of the pay, but account is not taken of—

(1) overtime pay; .

(2) additional pay or allowance authorized outside the United States because of differential in cost of living or other special circumstances; or

- 1 (3) bonus or premium pay for extraordinary service including
2 bonus or pay for particularly hazardous service in time of war.

3 **§ 8115. Determination of wage-earning capacity**

4 (a) In determining compensation for partial disability, except per-
5 manent partial disability compensable under sections 8107–8109 of this
6 title, the wage-earning capacity of an employee is determined by his
7 actual earnings if his actual earnings fairly and reasonably represent
8 his wage-earning capacity. If the actual earnings of the employee do
9 not fairly and reasonably represent his wage-earning capacity or if
10 the employee has no actual earnings, his wage-earning capacity as ap-
11 pears reasonable under the circumstances is determined with due re-
12 gard to—

- 13 (1) the nature of his injury;
14 (2) the degree of physical impairment;
15 (3) his usual employment;
16 (4) his age;
17 (5) his qualifications for other employment;
18 (6) the availability of suitable employment; and
19 (7) other factors or circumstances which may affect his wage-
20 earning capacity in his disabled condition.

21 (b) Section 8114(d) of this title is applicable in determining the
22 wage-earning capacity of an employee after the beginning of partial
23 disability.

24 **§ 8116. Limitations on right to receive compensation**

25 (a) While an employee is receiving compensation under this sub-
26 chapter, or if he has been paid a lump sum in commutation of install-
27 ment payments until the expiration of the period during which the
28 installment payments would have continued, he may not receive salary,
29 pay, or remuneration of any type from the United States, except—

- 30 (1) in return for service actually performed; and
31 (2) pension for service in the Army, Navy, or Air Force.

32 However, eligibility for or receipt of benefits under subchapter III
33 of chapter 83 of this title does not impair the right of the employee
34 to compensation for scheduled disabilities specified by section 8107(c)
35 of this title.

36 (b) An individual entitled to benefits under this subchapter because
37 of his injury, or because of the death of an employee, who also is
38 entitled to receive from the United States under a provision of statute
39 other than this subchapter payments or benefits for that injury or
40 death (except proceeds of an insurance policy), because of service by
41 him (or in the case of death, by the deceased) as an employee or in

the armed forces, shall elect which benefits he will receive. The individual shall make the election within 1 year after the injury or death or within a further time allowed for good cause by the Secretary of Labor. The election when made is irrevocable, except as otherwise provided by statute.

(c) The liability of the United States or an instrumentality thereof under this subchapter or any extension thereof with respect to the injury or death of an employee is exclusive and instead of all other liability of the United States or the instrumentality to the employee, his legal representative, spouse, dependents, next of kin, and any other person otherwise entitled to recover damages from the United States or the instrumentality because of the injury or death in a direct judicial proceeding, in a civil action, or in admiralty, or by an administrative or judicial proceeding under a workmen's compensation statute or under a Federal tort liability statute. However, this subsection does not apply to a master or a member of a crew of a vessel.

§ 8117. Time of accrual of right

An employee is not entitled to compensation for the first 3 days of temporary disability, except—

(1) when the disability exceeds 21 days;

(2) when the disability is followed by permanent disability;

or

(3) as provided by sections 8103 and 8104 of this title.

§ 8118. Election to use annual or sick leave

An employee may use annual or sick leave to his credit at the time disability begins, but his compensation for disability does not begin, and the time periods specified by section 8117 of this title do not begin to run, until the use of the annual or sick leave ends.

§ 8119. Notice of injury; failure to give

(a) An employee injured in the performance of his duty, or someone on his behalf, shall give notice thereof. The notice shall—

(1) be given within 48 hours after the injury;

(2) be given to the immediate superior of the employee by personal delivery or by depositing it in the mail properly stamped and addressed;

(3) be in writing;

(4) state the name and address of the employee;

(5) state the year, month, day, and hour when and the particular locality where the injury occurred;

(6) state the cause and nature of the injury; and

1 (7) be signed by and contain the address of the individual giv-
2 ing the notice.

3 (b) Compensation may be allowed only if the notice is given
4 within 48 hours after the injury or if the immediate superior of the
5 employee has actual knowledge of the injury. However, the Secretary
6 of Labor may allow compensation if—

7 (1) the notice is filed within 1 year after the injury and
8 reasonable cause for the delay is shown; or

9 (2) the requirement for 48 hours' notice is waived under sec-
10 tion 8122 of this title.

11 **§ 8120. Report of injury**

12 Immediately after an injury to an employee which results in his
13 death or probable disability, his immediate superior shall report to
14 the Secretary of Labor. The Secretary may—

15 (1) prescribe the information that the report shall contain;

16 (2) require the immediate superior to make supplemental re-
17 ports; and

18 (3) obtain such additional reports and information from em-
19 ployees as are agreed on by the Secretary and the head of the
20 employing agency.

21 **§ 8121. Claim**

22 Compensation under this subchapter may be allowed only if an
23 individual or someone on his behalf makes claim therefor. The claim
24 shall—

25 (1) be made in writing within the time specified by section
26 8122 of this title;

27 (2) be delivered to the office of the Secretary of Labor or to
28 an individual whom the Secretary may designate by regulation,
29 or deposited in the mail properly stamped and addressed to the
30 Secretary or his designee;

31 (3) be on a form furnished by the Secretary;

32 (4) contain all information required by the Secretary;

33 (5) be sworn to by the individual entitled to compensation, or
34 someone on his behalf; and

35 (6) except in case of death, be accompanied by a certificate of
36 the physician of the employee stating the nature of the injury
37 and the nature and probable extent of the disability.

38 The Secretary may waive paragraphs (3)–(6) of this section for
39 reasonable cause shown.

§ 8122. Time for making claim

(a) An original claim for compensation—

(1) for death shall be made within 1 year after the death;

and

(2) for disability shall be made within 60 days after the injury.

However, the Secretary of Labor may allow an original claim for disability to be made within 1 year after the injury for reasonable cause shown.

(b) In a case of latent disability due to radiation or other cause, the time for filing claim does not begin to run until the employee has a compensable disability and is aware, or by the exercise of reasonable diligence should have been aware, of the causal relationship of the compensable disability to his employment. In such a case, the time for giving notice of injury begins to run when the employee is aware, or by the exercise of reasonable diligence should have been aware, that his condition is causally related to his employment, whether or not there is compensable disability.

(c) The Secretary may waive compliance with the requirements of this subchapter for giving notice of injury and for filing claim for compensation for disability or death if—

(1) a claim is filed within 5 years after the injury or death;

and

(2) the Secretary finds—

(A) that the failure to comply was due to circumstances beyond the control of the individual claiming benefits; or

(B) that the individual claiming benefits has shown sufficient cause or reason in explanation of, and material prejudice to the interest of the United States has not resulted from, the failure.

§ 8123. Physical examinations

(a) An employee shall submit to examination by a medical officer of the United States, or by a physician designated or approved by the Secretary of Labor, after the injury and as frequently and at the times and places as may be reasonably required. The employee may have a physician designated and paid by him present to participate in the examination. If there is disagreement between the physician making the examination for the United States and the physician of the employee, the Secretary shall appoint a third physician who shall make an examination.

1 (b) An employee is entitled to be paid expenses incident to an
 2 examination required by the Secretary which in the opinion of the
 3 Secretary are necessary and reasonable, including transportation and
 4 loss of wages incurred in order to be examined. The expenses, when
 5 authorized or approved by the Secretary, are paid from the Employ-
 6 ees' Compensation Fund.

7 (c) The Secretary shall fix the fees for examinations held under this
 8 section by physicians not employed by or under contract to the United
 9 States to furnish medical services to employees. The fees, when au-
 10 thorized or approved by the Secretary, are paid from the Employees'
 11 Compensation Fund.

12 (d) If an employee refuses to submit to or obstructs an examina-
 13 tion, his right to compensation under this subchapter is suspended
 14 until the refusal or obstruction stops. Compensation is not payable
 15 while a refusal or obstruction continues, and the period of the refusal
 16 or obstruction is deducted from the period for which compensation is
 17 payable to the employee.

18 **§ 8124. Findings and award**

19 The Secretary of Labor shall determine and make a finding of facts
 20 and make an award for or against payment of compensation under
 21 this subchapter after—

22 (1) considering the claim presented by the beneficiary and the
 23 report furnished by the immediate superior; and

24 (2) completing such investigation as he considers necessary.

25 **§ 8125. Misbehavior at proceedings**

26 If an individual—

27 (1) disobeys or resists a lawful order or process in proceedings
 28 under this subchapter before the Secretary of Labor or his rep-
 29 resentative; or

30 (2) misbehaves during a hearing or so near the place of hearing
 31 as to obstruct it;

32 the Secretary or his representative shall certify the facts to the district
 33 court having jurisdiction in the place where he is sitting. The court,
 34 in a summary manner, shall hear the evidence as to the acts com-
 35 plained of and if the evidence warrants, punish the individual in the
 36 same manner and to the same extent as for a contempt committed
 37 before the court, or commit the individual on the same conditions as
 38 if the forbidden act had occurred with reference to the process of or in
 39 the presence of the court.

§ 8126. Subpenas; oaths; examination of witnesses

The Secretary of Labor, on any matter within his jurisdiction under this subchapter, may—

- (1) issue subpenas for and compel the attendance of witnesses within a radius of 100 miles;
- (2) administer oaths;
- (3) examine witnesses; and
- (4) require the production of books, papers, documents, and other evidence.

§ 8127. Representation; attorneys' fees

(a) A claimant may authorize an individual to represent him in any proceeding under this subchapter before the Secretary of Labor.

(b) A claim for legal or other services furnished in respect to a case, claim, or award for compensation under this subchapter is valid only if approved by the Secretary.

§ 8128. Review of award

(a) The Secretary of Labor may review an award for or against payment of compensation at any time on his own motion or on application. The Secretary, in accordance with the facts found on review, may—

- (1) end, decrease, or increase the compensation previously awarded; or
- (2) award compensation previously refused or discontinued.

(b) The action of the Secretary or his designee in allowing or denying a payment under this subchapter is—

- (1) final and conclusive for all purposes and with respect to all questions of law and fact; and
- (2) not subject to review by another official of the United States or by a court by mandamus or otherwise.

Credit shall be allowed in the accounts of a certifying or disbursing official for payments in accordance with that action.

§ 8129. Recovery of overpayments

(a) When an overpayment has been made to an individual under this subchapter because of an error of fact or law, adjustment shall be made under regulations prescribed by the Secretary of Labor by decreasing later payments to which the individual is entitled. If the individual dies before the adjustment is completed, adjustment shall be made by decreasing later benefits payable under this subchapter with respect to the individual's death.

1 (b) Adjustment or recovery by the United States may not be made
 2 when incorrect payment has been made to an individual who is with-
 3 out fault and when adjustment or recovery would defeat the purpose
 4 of this subchapter or would be against equity and good conscience.

5 (c) A certifying or disbursing official is not liable for an amount
 6 certified or paid by him when—

7 (1) adjustment or recovery of the amount is waived under
 8 subsection (b) of this section; or

9 (2) adjustment under subsection (a) of this section is not com-
 10 pleted before the death of all individuals against whose benefits
 11 deductions are authorized.

12 § 8130. Assignment of claim

13 An assignment of a claim for compensation under this subchapter is
 14 void. Compensation and claims for compensation are exempt from
 15 claims of creditors.

16 § 8131. Subrogation of the United States

17 (a) If an injury or death for which compensation is payable under
 18 this subchapter is caused under circumstances creating a legal lia-
 19 bility on a person other than the United States to pay damages, the
 20 Secretary of Labor may require the beneficiary to—

21 (1) assign to the United States any right of action he may
 22 have to enforce the liability or any right he may have to share
 23 in money or other property received in satisfaction of that lia-
 24 bility; or

25 (2) prosecute the action in his own name.

26 An employee required to appear as a party or witness in the prosecu-
 27 tion of such an action is in an active duty status while so engaged.

28 (b) A beneficiary who refuses to assign or prosecute an action in
 29 his own name when required by the Secretary is not entitled to
 30 compensation under this subchapter.

31 (c) The Secretary may prosecute or compromise a cause of action
 32 assigned to the United States. When the Secretary realizes on the
 33 cause of action, he shall deduct therefrom and place to the credit of
 34 the Employees' Compensation Fund the amount of compensation al-
 35 ready paid to the beneficiary and the expense of realization or collec-
 36 tion. Any surplus shall be paid to the beneficiary and credited on
 37 future payments of compensation payable for the same injury.

38 (d) If an injury or death for which compensation is payable under
 39 this subchapter is caused under circumstances creating a legal liability
 40 in the Panama Canal Company to pay damages under the law of a
 41 State, a territory or possession of the United States, the District of

Columbia, or a foreign country, compensation is not payable until the individual entitled to compensation—

(1) releases to the Panama Canal Company any right of action he may have to enforce the liability of the Panama Canal Company; or

(2) assigns to the United States any right he may have to share in money or other property received in satisfaction of the liability of the Panama Canal Company.

§ 8132. Adjustment after recovery from a third person

If an injury or death for which compensation is payable under this subchapter is caused under circumstances creating a legal liability in a person other than the United States to pay damages, and a beneficiary entitled to compensation from the United States for that injury or death receives money or other property in satisfaction of that liability as a result of suit or settlement by him or in his behalf, the beneficiary, after deducting therefrom the costs of suit and a reasonable attorney's fee, shall refund to the United States the amount of compensation paid by the United States and credit any surplus on future payments of compensation payable to him for the same injury. The amount refunded to the United States shall be credited to the Employees' Compensation Fund. If compensation has not been paid to the beneficiary, he shall credit the money or property on compensation payable to him by the United States for the same injury.

§ 8133. Compensation in case of death

(a) If death results from an injury sustained in the performance of duty, the United States shall pay a monthly compensation equal to a percentage of the monthly pay of the deceased employee in accordance with the following schedule:

(1) To the widow or widower, if there is no child, 45 percent.

(2) To the widow or widower, if there is a child, 40 percent and in addition 15 percent for each child not to exceed a total of 75 percent for the widow or widower and children.

(3) To the children, if there is no widow or widower, 35 percent for one child and 15 percent additional for each additional child not to exceed a total of 75 percent, divided among the children share and share alike.

(4) To the parents, if there is no widow, widower, or child, as follows—

(A) 25 percent if one parent was wholly dependent on the employee at the time of death and the other was not dependent to any extent;

1 (B) 20 percent to each if both were wholly dependent; or

2 (C) a proportionate amount in the discretion of the Secre-
3 tary of Labor if one or both were partly dependent.

4 If there is a widow, widower, or child, so much of the percentages
5 are payable as, when added to the total percentages payable to the
6 widow, widower, and children, will not exceed a total of 75
7 percent.

8 (5) To the brothers, sisters, grandparents, and grandchildren,
9 if there is no widow, widower, child, or dependent parent, as
10 follows—

11 (A) 20 percent if one was wholly dependent on the
12 employee at the time of death;

13 (B) 30 percent if more than one was wholly dependent,
14 divided among the dependents share and share alike; or

15 (C) 10 percent if no one is wholly dependent but one or
16 more is partly dependent, divided among the dependents
17 share and share alike.

18 If there is a widow, widower, child, or dependent parent, so much
19 of the percentages are payable as, when added to the total per-
20 centages payable to the widow, widower, children, and dependent
21 parents, will not exceed a total of 75 percent.

22 (b) The compensation payable under subsection (a) of this section
23 is paid from the time of death until—

24 (1) a widow dies or remarries;

25 (2) a widower dies or remarries or becomes capable of self-
26 support;

27 (3) a child, a brother, a sister, or a grandchild dies or marries
28 or becomes 18 years of age, or if over age 18 and incapable of self-
29 support becomes capable of self-support; or

30 (4) a parent or grandparent dies or marries or ceases to be
31 dependent.

32 (c) On the cessation of compensation under this section to or on
33 account of an individual, the compensation of the remaining individ-
34 uals entitled to compensation for the unexpired part of the period dur-
35 ing which their compensation is payable, is that which they would
36 have received if they had been the only individuals entitled to compen-
37 sation at the time of the death of the employee.

38 (d) When there are two or more classes of individuals entitled
39 to compensation under this section and the apportionment of compen-
40 sation under this section would result in injustice, the Secretary may
41 modify the apportionment to meet the requirements of the case.

(e) The monthly pay for computing compensation under this section is deemed at least \$240, but the total monthly compensation may not exceed the monthly pay computed under section 8114 of this title or \$525, whichever is less.

§ 8134. Funeral expenses; transportation of body

(a) If death results from an injury sustained in the performance of duty, the United States shall pay, to the personal representative of the deceased or otherwise, funeral and burial expenses not to exceed \$800, in the discretion of the Secretary of Labor.

(b) The body of an employee whose home is in the United States, in the discretion of the Secretary, may be embalmed and transported in a hermetically sealed casket to his home or last place of residence at the expense of the Employees' Compensation Fund if—

(1) the employee dies from—

(A) the injury while away from his home or official station or outside the United States; or

(B) from other causes while away from his home or official station for the purpose of receiving medical or other services, appliances, supplies, or examination under this subchapter; and

(2) the relatives of the employee request the return of his body.

If the relatives do not request the return of the body of the employee, the Secretary may provide for its disposition and incur and pay from the Employees' Compensation Fund the necessary and reasonable transportation, funeral, and burial expenses.

§ 8135. Lump-sum payment

The liability of the United States for compensation to a beneficiary in the case of death or of permanent total or permanent partial disability may be discharged by a lump-sum payment equal to the present value of all future payments of compensation computed at 4 percent true discount compounded annually if—

(1) the monthly payment to the beneficiary is less than \$5 a month;

(2) the beneficiary is or is about to become a nonresident of the United States; or

(3) the Secretary of Labor determines that it is for the best interests of the beneficiary.

The probability of the death of the beneficiary before the expiration of the period during which he is entitled to compensation is determined according to the American Experience Table of Mortality, but the lump-sum payment to a widow or widower of the deceased em-

1 ployee may not exceed 60 months' compensation. The probability of
 2 the happening of any other contingency affecting the amount or dura-
 3 tion of compensation is disregarded.

4 **§ 8136. Initial payments outside the United States**

5 If an employe is injured outside the continental United States, the
 6 Secretary of Labor may arrange and provide for initial payment of
 7 compensation and initial furnishing of other benefits under this sub-
 8 chapter by an employee or agent of the United States designated by
 9 the Secretary for that purpose in the locality in which the employee
 10 was employed or the injury occurred.

11 **§ 8137. Compensation for noncitizens and nonresidents**

12 (a) When the Secretary of Labor finds that the amount of com-
 13 pensation payable to an employee who is neither a citizen nor resident
 14 of the United States or Canada, or payable to a dependent of such an
 15 employee, is substantially disproportionate to compensation for dis-
 16 ability or death payable in similar cases under local statute, regulation,
 17 custom, or otherwise at the place outside the continental United States
 18 or Canada where the employee is working at the time of injury, he
 19 may provide for payment of compensation on a basis reasonably in
 20 accord with prevailing local payments in similar cases by—

21 (1) the adoption or adaption of the substantive features, by
 22 a schedule or otherwise, of local workmen's compensation pro-
 23 visions or other local statute, regulation, or custom applicable in
 24 cases of personal injury or death; or

25 (2) establishing special schedules of compensation for injury,
 26 death, and loss of use of members and functions of the body for
 27 specific classes of employees, areas, and places.

28 Irrespective of the basis adopted, the Secretary may at any time—

29 (A) modify or limit the maximum monthly and total aggre-
 30 gate payments for injury, death, and medical or other benefits;

31 (B) modify or limit the percentages of the wage of the em-
 32 ployee payable as compensation for the injury or death; and

33 (C) modify, limit, or redesignate the class or classes of bene-
 34 ficiaries entitled to death benefits, including the designation of
 35 persons, representatives, or groups entitled to payment under local
 36 statute or custom whether or not included in the classes of bene-
 37 ficiaries otherwise specified by this subchapter.

38 (b) In a case under this section, the Secretary or his designee may—

39 (1) make a lump-sum award in the manner prescribed by sec-
 40 tion 8135 of this title when he or his designee considers it to be for
 41 the best interest of the United States; and

(2) compromise and pay a claim for benefits, including a claim in which there is a dispute as to jurisdiction or other fact or a question of law.

Compensation paid under this subsection is instead of all other compensation from the United States for the same injury or death, and a payment made under this subsection is deemed compensation under this subchapter and is satisfaction of all liability of the United States in respect to the particular injury or death.

(c) The Secretary may delegate to an employee or agency of the United States, with such limitations and right of review as he considers advisable, authority to process, adjudicate, commute by lump-sum award, compromise, and pay a claim or class of claims for compensation, and to provide other benefits, locally, under this section, in accordance with such regulations and instructions as the Secretary considers necessary. For this purpose, the Secretary may provide or transfer funds, including reimbursement of amounts paid under this subchapter.

(d) The Secretary may waive the application of this subchapter in whole or in part and for such period or periods as he may fix if he finds that—

(1) conditions prevent the establishment of facilities for processing and adjudicating claims under this section; or

(2) claimants under this section are alien enemies.

(e) The Secretary may apply this section retrospectively with adjustment of compensation and benefits as he considers necessary and proper.

§ 8138. Minimum limit modification for noncitizens and aliens

(a) Except as provided by subsection (b) of this section, the minimum limit on monthly compensation for disability under section 8112 of this title and the minimum limit on monthly pay on which death compensation is computed under section 8133 of this title do not apply in the case of a noncitizen employee, or a class or classes of noncitizen employees, who sustain injury outside the continental United States. The Secretary of Labor may establish a minimum monthly pay on which death compensation is computed in the case of a class or classes of such noncitizen employees.

(b) The President may remove or modify the minimum limit on monthly compensation for disability under section 8112 of this title and the minimum limit on monthly pay on which death compensation is computed under section 8133 of this title in the case of an alien em-

1 ployee, or a class or classes of alien employees, of the Canal Zone Gov-
2 ernment or the Panama Canal Company.

3 **§ 8139. Employees of the District of Columbia**

4 Compensation awarded to an employee of the government of the
5 District of Columbia is paid in the manner provided by statute for
6 the payment of the general expenses of the government of the District
7 of Columbia. The Commissioners of the District of Columbia shall
8 submit annually to Congress, through the Bureau of the Budget, esti-
9 mates of appropriations necessary for this purpose.

10 **§ 8140. Members of the Reserve Officers' Training Corps**

11 (a) Subject to the provisions of this section, this subchapter applies
12 to a member of, or applicant for membership in, the Reserve Officers'
13 Training Corps of the Army, Navy, or Air Force who suffers disability
14 or death from an injury incurred in line of duty—

15 (1) while engaged in a flight or in flight instruction under
16 chapter 103 of title 10; or

17 (2) while performing authorized travel to or from, or while
18 attending, field training or a practice cruise under chapter 103
19 of title 10.

20 (b) For the purpose of this section, an injury is incurred in line
21 of duty only if it is the proximate result of the performance of mili-
22 tary training by the member concerned, or of his travel to or from
23 that training, during the periods specified by subsection (a)(2) of
24 this section. A member or applicant for membership who contracts
25 a disease or illness which is the proximate result of the performance
26 of training during the periods specified by subsection (a)(2) of this
27 section is considered for the purpose of this section to have been in-
28 jured in line of duty during that period. Subject to review by the
29 Secretary of Labor, the Secretary of the military department con-
30 cerned, under regulations prescribed by him, shall determine whether
31 or not an injury, disease, or illness was incurred or contracted in line
32 of duty and was the proximate result of the performance of military
33 training by the member concerned or of his travel to or from that
34 military training.

35 (c) In computing the compensation payable under this section, the
36 monthly pay received by the injured member, in cash and kind, is
37 deemed \$150.

38 (d) The Secretary of the military department concerned shall co-
39 operate fully with the Department of Labor in the prompt investiga-
40 tion and prosecution of a case involving the legal liability of a third
41 party other than the United States.

1 (e) An individual may not receive disability benefits under this
 2 section while on active duty with the armed forces, but these benefits
 3 may be reinstated when the individual is released from that active
 4 duty.

5 (f) Expenses incurred by a military department in providing hos-
 6 pitalization, medical and surgical care, necessary transportation inci-
 7 dent to that hospitalization or medical and surgical care, or in
 8 connection with a funeral and burial on behalf of an individual cov-
 9 ered by subsection (a) of this section shall be reimbursed by the
 10 Secretary of Labor from the Employees' Compensation Fund in
 11 accordance with this subchapter. However, reimbursement may not
 12 be made for hospitalization or medical or surgical care provided an
 13 individual while attending field training or a practice cruise under
 14 chapter 103 of title 10.

15 **§ 8141. Civil Air Patrol volunteers.**

16 (a) Subject to the provisions of this section, this subchapter applies
 17 to a volunteer civilian member of the Civil Air Patrol, except a Civil
 18 Air Patrol Cadet.

19 (b) In administering this subchapter for a member of the Civil Air
 20 Patrol covered by this section—

21 (1) the monthly pay of a member is deemed \$300 for the pur-
 22 pose of computing compensation for disability or death;

23 (2) the percentages applicable to payments under section 8133
 24 of this title are—

25 (A) 45 percent for section 8133(a) (2) of this title, if the
 26 member dies fully or currently insured under subchapter II
 27 of chapter 7 of title 42, with no additional payments for a
 28 child or children while the widow or widower remains eligible
 29 for payments under section 8133(a) (2) of this title;

30 (B) 20 percent for section 8133(a) (3) of this title for
 31 one child and 10 percent additional for each additional child,
 32 but not to exceed a total of 75 percent, if the member died
 33 fully or currently insured under subchapter II of chapter 7
 34 of title 42; and

35 (C) 25 percent for section 8133(a) (4) of this title, if one
 36 parent was wholly dependent on the deceased member at
 37 the time of his death and the other was not dependent to any
 38 extent; 16 percent to each, if both were wholly dependent;
 39 and if one was or both were partly dependent, a proportion-
 40 ate amount in the discretion of the Secretary of Labor;

1 (3) a payment may not be made under section 8133(a)(5) of
2 this title;

3 (4) "performance of duty" means only active service, and
4 travel to and from that service, rendered in performance or sup-
5 port of operational missions of the Civil Air Patrol under direc-
6 tion of the Department of the Air Force and under written
7 authorization by competent authority covering a specific assign-
8 ment and prescribing a time limit for the assignment; and

9 (5) the Secretary of Labor or his designee shall inform the
10 Secretary of Health, Education, and Welfare when a claim is filed
11 and eligibility for compensation is established under section
12 8133(a)(2) or (3) of this title, and the Secretary of Health, Edu-
13 cation, and Welfare shall certify to the Secretary of Labor as to
14 whether or not the member concerned was fully or currently
15 insured under subchapter II of chapter 7 of title 42 at the time of
16 his death.

17 (c) The Secretary of Labor or his designee may inform the Secre-
18 tary of the Air Force or his designee when a claim is filed. The Sec-
19 retary of the Air Force, on request of the Secretary of Labor, shall
20 advise him of the facts concerning the injury and whether or not the
21 member was rendering service, or engaged in travel to or from serv-
22 ice, in performance or support of an operational mission of the Civil
23 Air Patrol at the time of injury. This subsection does not dispense
24 with the report of the immediate superior of the member required
25 by section 8120 of this title, or other reports agreed on under that
26 section.

27 **§ 8142. Peace Corps volunteers**

28 (a) For the purpose of this section, "volunteer" means—

29 (1) a volunteer enrolled in the Peace Corps under section 2504
30 of title 22;

31 (2) a volunteer leader enrolled in the Peace Corps under section
32 2505 of title 22; and

33 (3) an applicant for enrollment as a volunteer or volunteer
34 leader during a period of training under section 2507(a) of title 22
35 before enrollment.

36 (b) Subject to the provisions of this section, this subchapter applies
37 to a volunteer, except that entitlement to disability compensation
38 payments does not commence until the day after the date of termination
39 of his service as a volunteer.

(c) For the purpose of this subchapter—

(1) a volunteer is deemed receiving monthly pay at the minimum rate for GS-7;

(2) a volunteer leader referred to by section 2505 of title 22 is deemed receiving monthly pay at the minimum rate for GS-11;

(3) an injury suffered by a volunteer when he is outside the several States, territories and possessions of the United States, and the District of Columbia is deemed proximately caused by his employment, unless the injury or disease is—

(A) caused by willful misconduct of the volunteer;

(B) caused by the volunteer's intention to bring about the injury or death of himself or of another; or

(C) proximately caused by the intoxication of the injured volunteer; and

(4) the period of service of an individual as a volunteer includes—

(A) any period of training under section 2507(a) of title 22 before enrollment as a volunteer; and

(B) the period between enrollment as a volunteer and the termination of service as a volunteer by the President or by death or resignation.

§ 8143. Job Corps enrollees; volunteers in service to America

(a) Subject to the provisions of this subsection, this subchapter applies to an enrollee in the Job Corps under sections 2711-2720 of title 42, except that compensation for disability does not begin to accrue until the day after the date of termination of his enrollment as an enrollee. In administering this subchapter for an enrollee covered by this subsection—

(1) the monthly pay of an enrollee is deemed \$150 for the purpose of computing compensation for disability or death, except that with respect to compensation for disability accruing after the individual concerned becomes 21 years of age the monthly pay is deemed to be that received at the minimum rate for GS-2;

(2) section 8113(a), (b) of this title applies to an enrollee; and

(3) "performance of duty" does not include an act of an enrollee while—

(A) on authorized leave or pass; or

1 (B) absent from his assigned post of duty, except while
 2 participating in an activity authorized by or under the direc-
 3 tion or supervision of the Job Corps.

4 (b) This subchapter applies to a volunteer in service to America
 5 during training and a volunteer in service to America assigned under
 6 section 2943(a)(2) of title 42, to the same extent as enrollees of the
 7 Job Corps under subsection (a) of this section.

8 **§ 8144. Student-employees**

9 A student-employee as defined by section 5351 of this title who
 10 suffers disability or death as a result of personal injury arising out of
 11 and in the course of training, or incurred in the performance of duties
 12 in connection with that training, is considered for the purpose of this
 13 subchapter an employee who incurred the injury in the perform-
 14 ance of duty.

15 **§ 8145. Administration**

16 The Secretary of Labor shall administer, and decide all questions
 17 arising under, this subchapter. He may—

18 (1) appoint employees to administer this subchapter; and

19 (2) delegate to any employee of the Department of Labor any
 20 of the powers conferred on him by this subchapter.

21 **§ 8146. Administration for the Canal Zone and the Alaska Rail- 22 road**

23 (a) The President, from time to time, may transfer the administra-
 24 tion of this subchapter—

25 (1) so far as employees of the Canal Zone Government and of
 26 the Panama Canal Company are concerned to the Governor of
 27 the Canal Zone; and

28 (2) so far as employees of The Alaska Railroad are concerned
 29 to the general manager of The Alaska Railroad.

30 (b) When administration is transferred under subsection (a) of
 31 this section, the expenses incident to physical examinations which are
 32 payable under section 8123 of this title shall be paid from appropria-
 33 tions for the Canal Zone Government or for The Alaska Railroad or
 34 from funds of the Panama Canal Company, as the case may be,
 35 instead of from the Employees' Compensation Fund. The President
 36 may authorize the Governor of the Canal Zone and the general man-
 37 ager of The Alaska Railroad to pay the compensation provided by
 38 this subchapter, including medical, surgical, and hospital services and
 39 supplies under section 8103 of this title and the transportation and
 40 burial expenses under sections 8103 and 8134 of this title, from appro-
 41 priations for the Canal Zone Government and for The Alaska Rail-

road, and these appropriations shall be reimbursed for the payments by transfer of funds from the Employees' Compensation Fund.

(c) The President may authorize the Governor of the Canal Zone to waive, at his discretion, the making of the claim required by section 8121 of this title in the case of compensation to an employee of the Canal Zone Government or of the Panama Canal Company for temporary disability, either total or partial.

(d) When administration is transferred under subsection (a) of this section to the general manager of The Alaska Railroad, the Secretary of Labor is not divested of jurisdiction and a claimant is entitled to appeal from the decision of the general manager of The Alaska Railroad to the Secretary of Labor. The Secretary on receipt of an appeal shall, or on his own motion may, review the decision of the general manager of The Alaska Railroad, and in accordance with the facts found on review may proceed under section 8128 of this title. The Secretary shall provide the form and manner of taking an appeal.

(e) The same right of appeal exists with respect to claims filed by employees of the Canal Zone Government and of the Panama Canal Company or their dependents in case of death, as is provided with respect to the claims of other employees to whom this subchapter applies, under section 8149 of this title. The Employees' Compensation Appeals Board referred to by section 8149 of this title has jurisdiction, under regulations prescribed by the Secretary, over appeals relating to claims of the employees or their dependents.

§ 8147. Employees' Compensation Fund

(a) There is in the Treasury of the United States the Employees' Compensation Fund which consists of sums that Congress, from time to time, may appropriate for or transfer to it, and amounts that otherwise accrue to it under this subchapter or other statute. The Fund is available without time limit for the payment of compensation and other benefits and expenses, except administrative expenses, authorized by this subchapter or any extension or application thereof, except as otherwise provided by this subchapter or other statute. The Secretary of Labor shall submit annually to the Bureau of the Budget estimates of appropriations necessary for the maintenance of the Fund.

(b) Before August 15 of each year, the Secretary shall furnish to each agency and instrumentality of the United States having an employee who is or may be entitled to compensation benefits under this subchapter or any extension or application thereof a statement showing the total cost of benefits and other payments made from the Employees' Compensation Fund during the preceding fiscal year on

1 account of the injury or death of employees or individuals under the
 2 jurisdiction of the agency or instrumentality. Each agency and in-
 3 strumentality shall include in its annual budget estimates for the next
 4 fiscal year a request for an appropriation in an amount equal to the
 5 costs. Sums appropriated pursuant to the request shall be deposited in
 6 the Treasury to the credit of the Fund within 30 days after they are
 7 available. An agency or instrumentality not dependent on an annual
 8 appropriation shall make the deposit required by this subsection from
 9 funds under its control. If an agency or instrumentality (or part or
 10 function thereof) is transferred to another agency or instrumentality,
 11 the cost of compensation benefits and other expenses paid from the
 12 Fund on account of the injury or death of employees of the transferred
 13 agency or instrumentality (or part or function) shall be included in
 14 costs of the receiving agency or instrumentality.

15 (c) In addition to the contributions for the maintenance of the
 16 Employees' Compensation Fund required by this section, a mixed
 17 ownership corporation as defined by section 856 of title 31, or any other
 18 corporation or agency or instrumentality (or activity thereof) which
 19 is required by statute to submit an annual budget pursuant to or as
 20 provided by sections 841-869 of title 31, shall pay an additional
 21 amount for its fair share of the cost of administration of this sub-
 22 chapter as determined by the Secretary. With respect to these corpo-
 23 rations, agencies, and instrumentalities, the charges billed by the
 24 Secretary under this section shall include an additional amount for
 25 these costs, which shall be paid into the Treasury as miscellaneous
 26 receipts from the sources authorized and in the manner otherwise
 27 provided by this section.

28 § 8148. Reports

29 The Secretary of Labor shall report to Congress at the beginning of
 30 each regular session on the work for the preceding fiscal year under
 31 this subchapter. The report shall include—

- 32 (1) a detailed statement of appropriations and expenditures;
- 33 (2) a detailed statement showing receipts of and expenditures
 34 from the Employees' Compensation Fund; and
- 35 (3) his recommendations for legislation.

36 § 8149. Regulations

37 The Secretary of Labor may prescribe rules and regulations neces-
 38 sary for the administration and enforcement of this subchapter. The
 39 rules and regulations shall provide for an Employees' Compensation

1 Appeals Board of three individuals designated or appointed by the
 2 Secretary with authority to hear and, subject to applicable law and
 3 the rules and regulations of the Secretary, make final decisions on
 4 appeals taken from determinations and awards with respect to claims
 5 of employees.

6 **§ 8150. Effect on other statutes**

7 (a) This subchapter does not affect the maritime rights and rem-
 8 edies of a master or member of the crew of a vessel.

9 (b) Section 8141 of this title and section 9441 of title 10 do not
 10 confer military or veteran status on any individual.

11 **SUBCHAPTER II—EMPLOYEES OF NONAPPROPRIATED**
 12 **FUND INSTRUMENTALITIES**

13 **§ 8171. Compensation for work injuries; generally**

14 (a) Chapter 18 of title 33 applies with respect to disability or death
 15 resulting from injury, as defined by section 902(2) of title 33, occurring
 16 to an employee of a nonappropriated fund instrumentality described
 17 by section 2105(c) of this title who is—

18 (1) a United States citizen or a permanent resident of the
 19 United States or a territory or possession of the United States
 20 employed outside the continental United States; or

21 (2) employed inside the continental United States.

22 However, that part of section 903(a) of title 33 which follows the
 23 first comma does not apply to such an employee.

24 (b) For the purpose of this subchapter, the term “employer” in sec-
 25 tion 902(4) of title 33 includes the nonappropriated fund instrumen-
 26 talities described by section 2105(c) of this title.

27 (c) The Secretary of Labor may—

28 (1) extend compensation districts established under section 939

29 (b) of title 33, or establish new districts to include the areas out-
 30 side the continental United States; and

31 (2) assign to each district one or more deputy commissioners
 32 as the Secretary considers advisable.

33 (d) Judicial proceedings under sections 918 and 921 of title 33 with
 34 respect to an injury or death occurring outside the continental United
 35 States shall be instituted in the district court within the territorial
 36 jurisdiction of which is located the office of the deputy commissioner
 37 having jurisdiction with respect to the injury or death.

38 **§ 8172. Employees not citizens or residents of the United States**

1 In case of disability or death resulting from injury, as defined by
 2 section 902(2) of title 33, occurring to an employee of a nonappropri-
 3 ated fund instrumentality described by section 2105(c) of this title
 4 who is—

5 (1) not a citizen or permanent resident of the United States
 6 or a territory or possession of the United States; and

7 (2) employed outside the continental United States;
 8 compensation shall be provided in accordance with regulations pre-
 9 scribed by the Secretary of the military department concerned and
 10 approved by the Secretary of Defense or regulations prescribed by the
 11 Secretary of the Treasury, as the case may be.

12 **§ 8173. Liability under this subchapter exclusive**

13 The liability of the United States or of a nonappropriated fund
 14 instrumentality described by section 2105(c) of this title, with respect
 15 to the disability or death resulting from injury, as defined by section
 16 902(2) of title 33, of an employee referred to by sections 8171 and
 17 8172 of this title, shall be determined as provided by this subchapter.
 18 This liability is exclusive and instead of all other liability of the
 19 United States or the instrumentality to the employee, his legal rep-
 20 resentative, spouse, dependents, next of kin, and any other person
 21 otherwise entitled to recover damages from the United States or the
 22 instrumentality because of the disability or death in a direct judicial
 23 proceeding, in a civil action, or in admiralty, or by an administrative
 24 or judicial proceeding under a workmen's compensation statute or
 25 under a Federal tort liability statute.

26 **CHAPTER 83—RETIREMENT**

27 **SUBCHAPTER I—GENERAL PROVISIONS**

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8301. Uniform retirement date.

28 **SUBCHAPTER II—FORFEITURE OF ANNUITIES AND** 29 **RETIRED PAY**

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- 8345. Payment of benefits; commencement, termination, and waiver of annuity.
- 8346. Exemption from legal process; recovery of payments.
- 8347. Administration; regulations.
- 8348. Civil Service Retirement and Disability Fund.

SUBCHAPTER I—GENERAL PROVISIONS

§ 8301. Uniform retirement date

(a) Except as otherwise specifically provided by this title or other statute, retirement authorized by statute is effective on the first day of the month following the month in which retirement would otherwise be effective.

(b) Notwithstanding subsection (a) of this section, the rate of active or retired pay or allowance is computed as of the date retirement would have occurred but for subsection (a) of this section.

SUBCHAPTER II—FORFEITURE OF ANNUITIES AND RETIRED PAY

§ 8311. Definitions

For the purpose of this subchapter—

(1) “employee” means—

(A) an employee as defined by section 2105 of this title;

(B) a Member of Congress as defined by section 2106 of this title and a Delegate to Congress;

(C) a member or former member of a uniformed service; and

(D) an individual employed by the government of the District of Columbia;

(2) “annuity” means a retirement benefit, including a disability insurance benefit and a dependent’s or survivor’s benefit under subchapter II of chapter 7 of title 42, and a monthly annuity under section 228b or 228e of title 45, payable by an agency of the Government of the United States or the government of the District of Columbia on the basis of service as a civilian employee and other service which is creditable to an employee

toward the benefit under the statute, regulation, or agreement which provides the benefit, but does not include—

(A) a benefit provided under statutes administered by the Veterans' Administration;

(B) pay or compensation which may not be diminished under section 1 of Article III of the Constitution of the United States;

(C) that portion of a benefit payable under subchapter II of chapter 7 of title 42 which would be payable without taking into account, for any of the purposes of that subchapter, including determinations of periods of disability under section 416(i) of title 42, pay for services as an employee;

(D) monthly annuity awarded under section 228b or 228e of title 45 before September 26, 1961, whether or not computed under section 228c(e) of title 45;

(E) that portion of an annuity awarded under section 228b or 228e of title 45 after September 25, 1961, which would be payable without taking into account military service creditable under section 228c-1 of title 45;

(F) a retirement benefit, including a disability insurance benefit and a dependent's or survivor's benefit under subchapter II of chapter 7 of title 42, awarded before September 1, 1954, to an individual or his survivor or beneficiary, insofar as the individual, before September 1, 1954—

(i) was convicted of an offense named by subsection (b) of section 8312 of this title, to the extent provided by that subsection; or

(ii) violated section 8314 or 8315(a)(1) of this title;

or

(G) a retirement benefit, including a disability insurance benefit and a dependent's or survivor's benefit under subchapter II of chapter 7 of title 42, awarded before September 26, 1961, to an individual or his survivor or beneficiary, insofar as the individual, before September 26, 1961—

(i) was convicted of an offense named by subsection (c) of section 8312 of this title, to the extent provided by that subsection; or

(ii) violated section 8315(a)(2) of this title; and

(3) "retired pay" means retired pay, retirement pay, retainer pay, or equivalent pay, payable under a statute to a member or former member of a uniformed service, and an annuity payable

to an eligible beneficiary of the member or former member under chapter 73 of title 10 or section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504), but does not include—

(A) a benefit provided under statutes administered by the Veterans' Administration;

(B) retired pay, retirement pay, retainer pay, or equivalent pay, awarded before September 1, 1954, to an individual, insofar as the individual, before September 1, 1954—

(i) was convicted of an offense named by subsection

(b) of section 8312 of this title, to the extent provided by that subsection; or

(ii) violated section 8314 or 8315(a)(1) of this title;

(C) retired pay, retirement pay, retainer pay, or equivalent pay, awarded before September 26, 1961, to an individual, insofar as the individual, before September 26, 1961—

(i) was convicted of an offense named by subsection

(c) of section 8312 of this title, to the extent provided by that subsection; or

(ii) violated section 8315(a)(2) of this title; or

(D) an annuity payable to an eligible beneficiary of an individual under chapter 73 of title 10 or section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504), if the annuity was awarded to the beneficiary, or if retired pay was awarded to the individual, before September 26, 1961, insofar as the individual, on the basis of whose service the annuity was awarded, before September 26, 1961—

(i) was convicted of an offense named by section 8312

of this title, to the extent provided by that section; or

(ii) violated section 8314 or 8315 of this title.

§ 8312. Conviction of certain offenses

(a) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity or retired pay, subject to the exceptions in section 8311 (2) and (3) of this title, if the individual—

(1) was convicted, before, on, or after September 1, 1954, of an offense named by subsection (b) of this section, to the extent provided by that subsection; or

(2) was convicted, before, on, or after September 26, 1961, of an offense named by subsection (c) of this section, to the extent provided by that subsection.

1 The prohibition on payment of annuity or retired pay applies—

2 (A) with respect to the offenses named by subsection (b) of
3 this section, to the period after the date of the conviction or after
4 September 1, 1954, whichever is later; and

5 (B) with respect to the offenses named by subsection (c) of this
6 section, to the period after the date of conviction or after Sep-
7 tember 26, 1961, whichever is later.

8 (b) The following are the offenses to which subsection (a) of this
9 section applies if the individual was convicted before, on, or after
10 September 1, 1954:

11 (1) An offense within the purview of—

12 (A) section 792 (harboring or concealing persons), 793
13 (gathering, transmitting, or losing defense information), 794
14 (gathering or delivering defense information to aid foreign
15 government), or 798 (disclosure of classified information), of
16 chapter 37 (relating to espionage and censorship) of title
17 18;

18 (B) chapter 105 (relating to sabotage) of title 18;

19 (C) section 2381 (treason), 2382 (misprision of treason),
20 2383 (rebellion or insurrection), 2384 (seditious conspiracy),
21 2385 (advocating overthrow of government), 2387 (activities
22 affecting armed forces generally), 2388 (activities affecting
23 armed forces during war), 2389 (recruiting for service
24 against United States), or 2390 (enlistment to serve against
25 United States), of chapter 115 (relating to treason, sedition,
26 and subversive activities) of title 18;

27 (D) section 10(b)(2), (3), or (4) of the Atomic Energy
28 Act of 1946 (60 Stat. 766, 767), as in effect before August
29 30, 1954;

30 (E) section 16(a) or (b) of the Atomic Energy Act of
31 1946 (60 Stat. 773), as in effect before August 30, 1954, inso-
32 far as the offense is committed with intent to injure the United
33 States or with intent to secure an advantage to a foreign
34 nation; or

35 (F) an earlier statute on which a statute named by sub-
36 paragraph (A), (B), or (C) of this paragraph (1) is based.

37 (2) An offense within the purview of—

38 (A) article 104 (aiding the enemy) or article 106 (spies)
39 of the Uniform Code of Military Justice (chapter 47 of title
40 10) or an earlier article on which article 104 or article 106,
41 as the case may be, is based; or

(B) a current article of the Uniform Code of Military Justice (or an earlier article on which the current article is based) not named by subparagraph (A) of this paragraph (2) on the basis of charges and specifications describing a violation of a statute named by paragraph (1), (3), or (4) of this subsection, if the executed sentence includes death, dishonorable discharge, or dismissal from the service, or if the defendant dies before execution of that sentence as finally approved.

(3) Perjury committed under the statutes of the United States or the District of Columbia—

(A) in falsely denying the commission of an act which constitutes an offense within the purview of—

(i) a statute named by paragraph (1) of this subsection; or

(ii) an article or statute named by paragraph (2) of this subsection insofar as the offense is within the purview of an article or statute named by paragraph (1) or (2) (A) of this subsection;

(B) in falsely testifying before a Federal grand jury, court of the United States, or court-martial with respect to his service as an employee in connection with a matter involving or relating to an interference with or endangerment of, or involving or relating to a plan or attempt to interfere with or endanger, the national security or defense of the United States; or

(C) in falsely testifying before a congressional committee in connection with a matter under inquiry before the congressional committee involving or relating to an interference with or endangerment of, or involving or relating to a plan or attempt to interfere with or endanger, the national security or defense of the United States.

(4) Subornation of perjury committed in connection with the false denial or false testimony of another individual as specified by paragraph (3) of this subsection.

(c) The following are the offenses to which subsection (a) of this section applies if the individual was convicted before, on, or after September 26, 1961:

(1) An offense within the purview of—

(A) section 2272 (violation of specific sections) or 2273 (violation of sections generally of chapter 23 of title 42) of

1 title 42 insofar as the offense is committed with intent to
 2 injure the United States or with intent to secure an advantage
 3 to a foreign nation;

4 (B) section 2274 (communication of restricted data), 2275
 5 (receipt of restricted data), or 2276 (tampering with re-
 6 stricted data) of title 42; or

7 (C) section 783 (conspiracy and communication or receipt
 8 of classified information), 822 (conspiracy or evasion of ap-
 9 prehension during internal security emergency), or 823 (aid-
 10 ing evasion of apprehension during internal security emer-
 11 gency) of title 50.

12 (2) An offense within the purview of a current article of the
 13 Uniform Code of Military Justice (chapter 47 of title 10) or an
 14 earlier article on which the current article is based, as the case
 15 may be, on the basis of charges and specifications describing a
 16 violation of a statute named by paragraph (1), (3), or (4) of this
 17 subsection, if the executed sentence includes death, dishonorable
 18 discharge, or dismissal from the service, or if the defendant dies
 19 before execution of that sentence as finally approved.

20 (3) Perjury committed under the statutes of the United States
 21 or the District of Columbia in falsely denying the commission of
 22 an act which constitutes an offense within the purview of a statute
 23 named by paragraph (1) of this subsection.

24 (4) Subornation of perjury committed in connection with the
 25 false denial of another individual as specified by paragraph (3)
 26 of this subsection.

27 **§ 8313. Absence from the United States to avoid prosecution**

28 (a) An individual, or his survivor or beneficiary, may not be paid
 29 annuity or retired pay on the basis of the service of the individual
 30 which is creditable toward the annuity or retired pay, subject to the
 31 exceptions in section 8311 (2) and (3) of this title, if the individual—

32 (1) is under indictment, or has outstanding against him charges
 33 preferred under the Uniform Code of Military Justice—

34 (A) after July 31, 1956, for an offense named by section
 35 8312(b) of this title; or

36 (B) after September 26, 1961, for an offense named by
 37 section 8312(c) of this title; and

38 (2) willfully remains outside the United States, or its terri-
 39 tories and possessions including the Commonwealth of Puerto
 40 Rico, for more than 1 year with knowledge of the indictment or
 41 charges, as the case may be.

(b) The prohibition on payment of annuity or retired pay under subsection (a) of this section applies to the period after the end of the 1-year period and continues until—

(1) a nolle prosequi to the entire indictment is entered on the record or the charges are dismissed by competent authority;

(2) the individual returns and thereafter the indictment or charges is or are dismissed; or

(3) after trial by court or court-martial, the accused is found not guilty of the offense or offenses.

§ 8314. Refusal to testify

(a) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity or retired pay, subject to the exceptions in section 8311 (2) and (3) of this title, if the individual, before, on, or after September 1, 1954, refused or refuses, or knowingly and willfully failed or fails, to appear, testify, or produce a book, paper, record, or other document, relating to his service as an employee, before a Federal grand jury, court of the United States, court-martial, or congressional committee, in a proceeding concerning—

(1) his past or present relationship with a foreign government; or

(2) a matter involving or relating to an interference with or endangerment of, or involving or relating to a plan or attempt to interfere with or endanger, the national security or defense of the United States.

(b) The prohibition on payment of annuity or retired pay under subsection (a) of this section applies to the period after the date of the failure or refusal of the individual, or after September 1, 1954, whichever is later.

§ 8315. Falsifying employment applications

(a) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity or retired pay, subject to the exceptions in section 8311 (2) and (3) of this title, if the individual knowingly and willfully made or makes a false, fictitious, or fraudulent statement or representation, or knowingly and willfully concealed or conceals a material fact—

(1) before, on, or after September 1, 1954, concerning his—

(A) past or present membership in, affiliation or association with, or support of the Communist Party, or a chapter,

1 branch, or subdivision thereof, in or outside the United
2 States, or other organization, party, or group advocating—

3 (i) the overthrow, by force, violence, or other uncon-
4 stitutional means, of the Government of the United
5 States;

6 (ii) the establishment, by force, violence, or other
7 unconstitutional means, of a Communist totalitarian dic-
8 tatorship in the United States; or

9 (iii) the right to strike against the United States;

10 (B) conviction of an offense named by subsection (b) of
11 section 8312 of this title, to the extent provided by that
12 subsection; or

13 (C) failure or refusal to appear, testify, or produce a book,
14 paper, record, or other document, as specified by section 8314
15 of this title; or

16 (2) before, on, or after September 26, 1961, concerning his
17 conviction of an offense named by subsection (c) of section 8312
18 of this title, to the extent provided by that subsection;

19 in a document executed by the individual in connection with his em-
20 ployment in, or application for, a civilian or military office or position
21 in or under the legislative, executive, or judicial branch of the Gov-
22 ernment of the United States or the government of the District of
23 Columbia.

24 (b) The prohibition on the payment of annuity or retired pay
25 applies—

26 (1) with respect to matters specified by subsection (a) (1) of
27 this section, to the period after the statement, representation, or
28 concealment of fact is made or occurs, or after September 1, 1954,
29 whichever is later; and

30 (2) with respect to matters specified by subsection (a) (2) of
31 this section, to the period after the statement, representation, or
32 concealment of fact is made or occurs, or after September 26, 1961,
33 whichever is later.

34 **§ 8316. Refund of contributions and deposits**

35 (a) When payment of annuity or retired pay is denied under this
36 subchapter because an individual was convicted of an offense named by
37 section 8312 of this title, to the extent provided by that section, or
38 violated section 8314 or 8315 of this title—

39 (1) the amount, except employment taxes, contributed by the
40 individual toward the annuity, less the amount previously re-
41 funded or paid as annuity benefits; and

(2) deposits made under section 1438 of title 10 or section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504) to provide the eligible beneficiary with annuity for any period, less the amount previously paid as retired pay benefits; shall be refunded, on appropriate application therefor—

(A) to the individual;

(B) if the individual is dead, to the beneficiary designated to receive refunds by or under the statute, regulation, or agreement under which the annuity, the benefits of which are denied under this subchapter, would have been payable; or

(C) if a beneficiary is not designated, in the order of precedence prescribed by section 8342(c) of this title or section 2771 of title 10, as the case may be.

(b) A refund under subsection (a) of this section shall be made with interest at the rate and for the period provided under the statute, regulation, or agreement under which the annuity would have been payable. However, interest may not be computed—

(1) if the individual was convicted of an offense named by section 8312(b) of this title, or violated section 8314 or 8315(a) (1) of this title, for the period after the conviction or commission of the violation, or after September 1, 1954, whichever is later; or

(2) if the individual was convicted of an offense named by section 8312(c) of this title, or violated section 8315(a) (2) of this title, for the period after the conviction or commission of the violation, or after September 26, 1961, whichever is later.

§ 8317. Repayment of annuity or retired pay properly paid; waiver

(a) An individual, or his survivor or beneficiary, to whom payment of annuity is denied under this subchapter is not thereafter required to repay that part of the annuity otherwise properly paid to the individual, or to his survivor or beneficiary on the basis of the service of the individual, which is in excess of the aggregate amount of the contributions of the individual toward the annuity, with applicable interest.

(b) An individual, including an eligible beneficiary under chapter 73 of title 10 or section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504), to whom payment of retired pay is denied under this subchapter is not thereafter required to repay retired pay otherwise properly paid to the individual or beneficiary which is paid in violation of this subchapter.

1 **§ 8318. Restoration of annuity or retired pay**

2 (a) If an individual who was convicted, before, on, or after Septem-
3 ber 1, 1954, of—

4 (1) an offense named by section 8312 of this title; or

5 (2) an offense constituting a violation of section 8314 or 8315 of
6 this title;

7 is pardoned by the President, the right of the individual and his sur-
8 vivor or beneficiary to receive annuity or retired pay previously
9 denied under this subchapter is restored as of the date of the pardon.

10 (b) The President may restore, effective as of the date he prescribes,
11 the right to receive annuity or retired pay which is denied, before, on,
12 or after September 1, 1954, under section 8314 or 8315 of this title, to
13 the individual and to his survivor or beneficiary.

14 (c) Payment of annuity or retired pay which results from pardon
15 or restoration by the President under subsection (a) or (b) of this
16 section may not be made for a period before—

17 (1) the date of pardon referred to by subsection (a) of this
18 section; or

19 (2) the effective date of restoration referred to by subsec-
20 tion (b) of this section.

21 (d) Credit for a period of service covered by a refund under section
22 8316 of this title is allowed only after the amount refunded has been
23 redeposited.

24 **§ 8319. Removal of members of the uniformed services from rolls;**
25 **restoration; reapportionment**

26 (a) The President may drop from the rolls a member of a uni-
27 formed service who is deprived of retired pay under this subchapter.

28 (b) The President may restore—

29 (1) military status to an individual dropped from the rolls to
30 whom retired pay is restored under this subchapter or under sec-
31 tion 2 of the Act of September 26, 1961 (75 Stat. 648); and

32 (2) all rights and privileges to the individual and his bene-
33 ficiaries of which he or they were deprived because his name was
34 dropped from the rolls.

35 (c) If the individual restored was a commissioned officer, the Presi-
36 dent alone may reappoint him to the grade and position on the retired
37 list held when his name was dropped from the rolls.

38 **§ 8320. Offense or violation committed in compliance with orders**

39 When it is established by satisfactory evidence that an individual—

40 (1) was convicted of an offense named by section 8312 of this
41 title; or

(2) violated section 8314 or 8315 of this title;
 as a result of proper compliance with orders issued, in a confidential relationship, by an agency or other authority of the Government of the United States or the government of the District of Columbia, the right to receive annuity or retired pay may not be denied.

§ 8321. Liability of accountable employees

An accountable employee may not be held responsible for a payment made in violation of this subchapter when the payment made is in due course and without fraud, collusion, or gross negligence.

§ 8322. Effect on other statutes

This subchapter does not restrict authority under a statute, other than this subchapter, to deny or withhold benefits authorized by statute.

SUBCHAPTER III—CIVIL SERVICE RETIREMENT

§ 8331. Definitions

For the purpose of this subchapter—

(1) “employee” means—

(A) an employee as defined by section 2105 of this title;

(B) the Architect of the Capitol and an employee of the Architect of the Capitol;

(C) a Congressional employee as defined by section 2107 of this title (except the Architect of the Capitol and an employee of the Architect of the Capitol), after he gives notice in writing to the official by whom he is paid of his desire to come within the purview of this subchapter;

(D) a temporary Congressional employee appointed at an annual rate of pay, after he gives notice in writing to the official by whom he is paid of his desire to come within the purview of this subchapter;

(E) a United States Commissioner whose total pay for services performed as Commissioner is not less than \$3,000 in each of the last 3 consecutive calendar years ending after December 31, 1954;

(F) an individual employed by a county committee established under section 590h(b) of title 16;

(G) an individual employed by the government of the District of Columbia;

(H) an individual employed by Gallaudet College; and

(I) an individual appointed to a position on the office staff of a former President under section 1(b) of the Act of August 25, 1958 (72 Stat. 838);

1 but does not include—

2 (i) a justice or judge of the United States as defined by
3 section 451 of title 28;

4 (ii) an employee subject to another retirement system for
5 Government employees;

6 (iii) an employee or group of employees in or under an
7 Executive agency excluded by the Civil Service Commission
8 under section 8347(g) of this title;

9 (iv) an individual or group of individuals employed by the
10 government of the District of Columbia excluded by the
11 Commission under section 8347(h) of this title;

12 (v) a temporary employee of the Administrative Office of
13 the United States Courts or of a court named by section 610
14 of title 28;

15 (vi) a construction employee or other temporary, part-
16 time, or intermittent employee of the Tennessee Valley
17 Authority;

18 (vii) an employee under the Office of the Architect of the
19 Capitol excluded by the Architect of the Capitol under sec-
20 tion 8347(i) of this title;

21 (viii) an employee under the Library of Congress excluded
22 by the Librarian of Congress under section 8347(j) of this
23 title; or

24 (ix) a student-employee as defined by section 5351 of
25 this title.

26 Notwithstanding this paragraph, the employment of a teacher in
27 the recess period between two school years in a position other
28 than a teaching position in which he served immediately before
29 the recess period does not qualify the individual as an employee
30 for the purpose of this subchapter. For the purpose of the pre-
31 ceding sentence, “teacher” and “teaching position” have the
32 meanings given them by section 901 of title 20;

33 (2) “Member” means a Member of Congress as defined by sec-
34 tion 2106 of this title, and a Delegate to Congress, after he gives
35 notice in writing to the official by whom he is paid of his desire
36 to come within the purview of this subchapter;

37 (3) “basic pay” includes—

38 (A) the amount a Member received from April 1, 1954, to
39 February 28, 1955, as expense allowance under section 601(b)
40 of the Legislative Reorganization Act of 1946 (60 Stat. 850),
41 as amended; and that amount from January 3, 1953, to

March 31, 1954, if deposit is made therefor as provided by section 8334 of this title; and

(B) additional pay provided by—

(i) subsection (a) of section 60e-7 of title 2 and the provisions of law referred to by that subsection; and

(ii) section 60e-8, 60e-9, 60e-10, and 60e-11 of title 2; but does not include bonuses, allowances, overtime pay, military pay, pay given in addition to the base pay of the position as fixed by law or regulation except as provided by subparagraph (B) of this paragraph, retroactive pay under section 5344 of this title in the case of a retired or deceased employee, uniform allowances under section 5901 of this title, or lump-sum leave payments under subchapter VI of chapter 55 of this title. For an employee paid on a fee basis, the maximum amount of basic pay which may be used is \$10,000;

(4) "average pay" means the largest annual rate resulting from averaging an employee's or Member's rates of basic pay in effect—

(A) over any 5 consecutive years of creditable service; or

(B) at a Member's option over all periods of Member service after August 2, 1946, used in the computation of an annuity under this subchapter;

with each rate weighted by the time it was in effect;

(5) "Fund" means the Civil Service Retirement and Disability Fund;

(6) "disabled" and "disability" mean totally disabled or total disability, respectively, for useful and efficient service in the grade or class of position last occupied by the employee or Member because of disease or injury not due to vicious habits, intemperance, or willful misconduct on his part within 5 years before becoming so disabled;

(7) "Government" means the Government of the United States, the government of the District of Columbia, and Gallaudet College;

(8) "lump-sum credit" means the unrefunded amount consisting of—

(A) retirement deductions made from the basic pay of an employee or Member;

(B) amounts deposited by an employee or Member covering earlier service; and

1 (C) interest on the deductions and deposits at 4 percent a
 2 year to December 31, 1947, and 3 percent a year thereafter
 3 compounded annually to December 31, 1956, or, in the case of
 4 an employee or Member separated or transferred to a position
 5 not within the purview of this subchapter before he has com-
 6 pleted 5 years of civilian service, to the date of the separation
 7 or transfer;

8 but does not include interest—

9 (i) if the service covered thereby aggregates 1 year or
 10 less; or

11 (ii) for the fractional part of a month in the total service;

12 (9) “annuitant” means a former employee or Member who, on
 13 the basis of his service, meets all requirements of this subchapter
 14 for title to annuity and files claim therefor;

15 (10) “survivor” means an individual entitled to annuity under
 16 this subchapter based on the service of a deceased employee,
 17 Member, or annuitant;

18 (11) “survivor annuitant” means a survivor who files claim for
 19 annuity;

20 (12) “service” means employment creditable under section
 21 8332 of this title;

22 (13) “military service” means honorable active service—

23 (A) in the armed forces;

24 (B) in the Regular or Reserve Corps of the Public Health
 25 Service after June 30, 1960; or

26 (C) as a commissioned officer of the Coast and Geodetic
 27 Survey after June 30, 1961;

28 but does not include service in the National Guard except when
 29 ordered to active duty in the service of the United States;

30 (14) “Member service” means service as a Member and includes
 31 the period from the date of the beginning of the term for which
 32 elected or appointed to the date on which he takes office as a
 33 Member; and

34 (15) “price index” means the annual average over a calendar
 35 year of the Consumer Price Index (all items—United States
 36 city average) published monthly by the Bureau of Labor
 37 Statistics.

38 § 8332. Creditable service

39 (a) The total service of an employee or Member is the full years and
 40 twelfth parts thereof, excluding from the aggregate the fractional
 41 part of a month, if any.

(b) The service of an employee shall be credited from the date of original employment to the date of separation on which title to annuity is based in the civilian service of the Government. Credit may not be allowed for a period of separation from the service in excess of 3 calendar days. The service includes—

(1) employment as a substitute in the postal field service;

(2) service in the Pan American Sanitary Bureau;

(3) subject to sections 8334(c) and 8339(h) of this title, service performed before July 10, 1960, as an employee of a county committee established under section 590h(b) of title 16 or of a committee or an association of producers described by section 610(b) of title 7;

(4) service as a student-employee as defined by section 5351 of this title only if he later becomes subject to this subchapter; and

(5) a period of satisfactory service of a volunteer or volunteer leader under chapter 34 of title 22 only if he later becomes subject to this subchapter.

The Civil Service Commission shall accept the certification of the Secretary of Agriculture or his designee concerning service for the purpose of this subchapter of the type performed by an employee named by paragraph (3) of this subsection. For the purpose of paragraph (5) of this subsection—

(A) a volunteer and a volunteer leader are deemed receiving pay during their service at the respective rates of readjustment allowances payable under sections 2504(c) and 2505(1) of title 22; and

(B) the period of an individual's service as a volunteer or volunteer leader under chapter 34 of title 22 is the period between enrollment as a volunteer or volunteer leader and the termination of that service by the President or by death or resignation.

(c) Except as provided by subsection (d) of this section, an employee or Member shall be allowed credit for periods of military service before the date of the separation on which title to annuity is based. However, if an employee or Member is awarded retired pay on account of military service, his military service may not be credited unless the retired pay is awarded—

(1) on account of a service-connected disability—

(A) incurred in combat with an enemy of the United States; or

1 (B) caused by an instrumentality of war and incurred in
 2 line of duty during a period of war as defined by section 301
 3 of title 38; or

4 (2) under chapter 67 of title 10.

5 (d) For the purpose of section 8339(c) (1) of this title, a Member—

6 (1) shall be allowed credit only for periods of military service
 7 not exceeding 5 years, plus military service performed by the
 8 Member on leaving his office, for the purpose of performing mili-
 9 tary service, during a war or national emergency proclaimed by
 10 the President or declared by Congress and before his final separa-
 11 tion from service as Member; and

12 (2) may not receive credit for military service for which credit
 13 is allowed for purpose of retired pay under other statute.

14 (e) This subchapter does not affect the right of an employee or
 15 Member to retired pay, pension, or compensation in addition to an
 16 annuity payable under this subchapter.

17 (f) Credit shall be allowed for leaves of absence without pay
 18 granted an employee while performing military service or while re-
 19 ceiving benefits under subchapter I of chapter 81 of this title. Except
 20 for a substitute in the postal field service, credit may not be allowed
 21 for so much of other leaves of absence without pay as exceeds 6 months
 22 in the aggregate in a calendar year.

23 (g) An employee who during the period of a war, or of a national
 24 emergency as proclaimed by the President or declared by Congress,
 25 leaves his position to enter the military service is deemed, for the pur-
 26 pose of this subchapter, as not separated from his civilian position be-
 27 cause of that military service, unless he applies for and receives a
 28 lump-sum credit under this subchapter. However, the employee is
 29 deemed as not retaining his civilian position after December 31, 1956,
 30 or after the expiration of 5 years of that military service, whichever
 31 is later.

32 (h) An employee who—

33 (1) has at least 5 years' Member service; and

34 (2) serves as a Member at any time after August 2, 1946;
 35 may not be allowed credit for service which is used in the computation
 36 of an annuity under section 8339(c) of this title.

37 (i) An individual who qualifies as an employee under section
 38 8331(1) (E) of this title is entitled to credit for his service as a United
 39 States Commissioner, which is not credited for the purpose of this

subchapter for service performed by him in a capacity other than Commissioner, on the basis of—

(1) $1/313$ of a year for each day on which he performed service as a Commissioner before July 1, 1945; and

(2) $1/260$ of a year for each day on which he performed service as a Commissioner after June 30, 1945.

Credit for service performed as Commissioner may not exceed 313 days in a year before July 1, 1945, or 260 days in a year after June 30, 1945. For the purpose of this subchapter, the employment and pay of a Commissioner is deemed on a daily basis when actually employed.

(j) Notwithstanding any other provision of this section, military service, except military service covered by military leave with pay from a civilian position, performed by an individual after December 1956, and the period of an individual's service as a volunteer or volunteer leader under chapter 34 of title 22, shall be excluded in determining the aggregate period of service on which an annuity payable under this subchapter to the individual or to his widow or child is based, if the individual, widow, or child is entitled, or would on proper application be entitled, at the time of that determination, to monthly old-age or survivors benefits under section 402 of title 42 based on the individual's wages and self-employment income. If the military service or service as a volunteer or volunteer leader under chapter 34 of title 22 is not excluded by the preceding sentence, but on becoming 62 years of age, the individual or widow becomes entitled, or would on proper application be entitled, to the described benefits, the Civil Service Commission shall redetermine the aggregate period of service on which the annuity is based, effective as of the first day of the month in which he or she becomes 62 years of age, so as to exclude that service.

The Secretary of Health, Education, and Welfare, on request of the Commission, shall inform the Commission whether or not the individual, widow, or child is entitled at any named time to the described benefits. For the purpose of this subsection, the period of an individual's service as a volunteer or volunteer leader under chapter 34 of title 22 is the period between enrollment as a volunteer or volunteer leader and termination of that service by the President or by death or resignation.

§ 8333. Eligibility for annuity

(a) An employee must complete at least 5 years of civilian service before he is eligible for an annuity under this subchapter.

1 (b) An employee or Member must complete, within the last 2 years
2 before any separation from service, except a separation because of
3 death or disability, at least 1 year of creditable civilian service dur-
4 ing which he is subject to this subchapter before he or his survivors
5 are eligible for annuity under this subchapter based on the separation.
6 If an employee or Member, except an employee or Member separated
7 from the service because of death or disability, fails to meet the service
8 requirement of the preceding sentence, the amounts deducted from his
9 pay during the service for which no eligibility for annuity is estab-
10 lished based on the separation shall be returned to him on the sepa-
11 ration. Failure to meet this service requirement does not deprive the
12 individual or his survivors of annuity rights which attached on a
13 previous separation.

14 (c) A Member or his survivor is eligible for an annuity under this
15 subchapter only if the amounts named by section 8334 of this title have
16 been deducted or deposited with respect to his last 5 years of civilian
17 service.

18 **§ 8334. Deductions, contributions, and deposits**

19 (a) The employing agency shall deduct and withhold 6½ percent
20 of the basic pay of an employee and 7½ percent of the basic pay of
21 a Member, and an equal amount shall be contributed from the appro-
22 priation or fund used to pay the employee or, in the case of an elected
23 official, from an appropriation or fund available for payment of other
24 salaries of the same office or establishment. When an employee in
25 the legislative branch is paid by the Clerk of the House of Repre-
26 sentatives, the Clerk may pay from the contingent fund of the House
27 the contribution that otherwise would be contributed from the appro-
28 priation or fund used to pay the employee. The amounts so deducted
29 and withheld, together with the amounts so contributed, shall be de-
30 posited in the Treasury of the United States to the credit of the Fund
31 under such procedures as the Comptroller General of the United States
32 may prescribe. Deposits made by an employee or Member under
33 this section also shall be credited to the Fund.

34 (b) Each employee or Member is deemed to consent and agree to
35 these deductions from basic pay. Notwithstanding any law or regu-
36 lation affecting the pay of an employee or Member, payment less
37 these deductions is a full and complete discharge and acquittance of
38 all claims and demands for regular services during the period covered
39 by the payment, except the right to the benefits to which the employee
40 or Member is entitled under this subchapter.

(c) Each employee or Member credited with civilian service after July 31, 1920, for which retirement deductions or deposits have not been made, may deposit with interest an amount equal to the following percentages of his basic pay received for that service:

	Percentage of basic pay	Service period
Employee-----	2½-----	August 1, 1920, to June 30, 1926.
	3½-----	July 1, 1926, to June 30, 1942.
	5 -----	July 1, 1942, to June 30, 1948.
	6 -----	July 1, 1948, to October 31, 1956.
	6½-----	After October 31, 1956.
Member for Member service.	2½-----	August 1, 1920, to June 30, 1926.
	3½-----	July 1, 1926, to June 30, 1942.
	5 -----	July 1, 1942, to August 1, 1946.
	6 -----	August 2, 1946, to October 31, 1956.
	7½-----	After October 31, 1956.

(d) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which he may be allowed credit under this subchapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

(e) Interest under subsection (c) or (d) of this section is computed from the mid-point of each service period included in the computation, or from the date refund was paid, to the date of deposit or commencing date of annuity, whichever is earlier. The interest is computed at the rate of 4 percent a year to December 31, 1947, and 3 percent a year thereafter compounded annually. The deposit may be made in one or more installments. Interest may not be charged for a period of separation from the service which began before October 1, 1956.

(f) Under such regulations as the Civil Service Commission may prescribe, amounts deducted under subsection (a) of this section and deposited under subsections (c) and (d) of this section shall be entered on individual retirement records.

(g) Deposit may not be required for—

- (1) service before August 1, 1920;
- (2) military service; or
- (3) service for the Panama Railroad Company before January 1, 1924.

(h) For the purpose of survivor annuity, deposits authorized by subsections (c) and (d) of this section may also be made by the survivor of an employee or Member.

§ 8335. Mandatory separation

1 (a) Except as otherwise provided by this section, an employee who
 2 becomes 70 years of age and completes 15 years of service shall be auto-
 3 matically separated from the service. The separation is effective on
 4 the last day of the month in which the employee becomes 70 years of
 5 age or completes 15 years of service if then over that age, and pay
 6 ends from that day.

7 (b) The employing office shall notify each employee under its
 8 direction of the date of his separation from the service at least 60 days
 9 in advance thereof, and subsection (a) of this section does not take
 10 effect without the consent of the employee until 60 days after he is
 11 so notified.

12 (c) The President, by Executive order, may exempt an employee
 13 from automatic separation under this section when in his judgment the
 14 public interest so requires.

15 (d) The automatic separation provisions of this section do not apply
 16 to—

17 (1) an individual named by a statute providing for the con-
 18 tinuance of the individual in the service;

19 (2) a Member;

20 (3) a Congressional employee; or

21 (4) an employee in the judicial branch appointed to hold
 22 office for a definite term of years.

23 (e) This section applies to an employee of The Alaska Railroad in
 24 Alaska, and to an employee who is a citizen of the United States
 25 employed on the Isthmus of Panama by the Panama Canal Company
 26 or the Canal Zone Government, who becomes 62 years of age and
 27 completes 15 years of service in Alaska or on the Isthmus of Panama.

28 § 8336. Immediate retirement

29 (a) An employee who is separated from the service after becoming
 30 60 years of age and completing 30 years of service is entitled to an
 31 annuity.

32 (b) An employee who is separated from the service after becoming
 33 55 years of age (but before becoming 60 years of age) and completing
 34 30 years of service is entitled to a reduced annuity.

35 (c) An employee, the duties of whose position are primarily the in-
 36 vestigation, apprehension, or detention of individuals suspected or con-
 37 victed of offenses against the criminal laws of the United States,
 38 including an employee engaged in this activity who is transferred to
 39 a supervisory or administrative position, who is separated from the
 40 service after becoming 50 years of age and completing 20 years of

service in the performance of these duties is entitled to an annuity if the head of his agency recommends his retirement and the Civil Service Commission approves that recommendation. The head of the agency and the Commission shall consider fully the degree of hazard to which the employee is subjected in the performance of his duties, instead of the general duties of the class of the position held by the employee. For the purpose of this subsection, "detention" includes the duties of—

(1) employees of the Bureau of Prisons and Federal Prison Industries, Incorporated;

(2) employees of the Public Health Service assigned to the field service of the Bureau of Prisons or of the Federal Prison Industries, Incorporated;

(3) employees in the field service at Army or Navy disciplinary barracks or at confinement and rehabilitation facilities operated by any of the armed forces; and

(4) employees of the Department of Corrections of the District of Columbia, its industries and utilities;

whose duties in connection with individuals in detention suspected or convicted of offenses against the criminal laws of the United States or of the District of Columbia or offenses against the punitive articles of the Uniform Code of Military Justice (chapter 47 of title 10) require frequent (as determined by the appropriate administrative authority with the concurrence of the Commission) direct contact with these individuals in their detention, direction, supervision, inspection, training, employment, care, transportation, or rehabilitation.

(d) An employee who is involuntarily separated from the service, except by removal for cause on charges of misconduct or delinquency, after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to a reduced annuity.

(e) An employee who is separated from the service after becoming 62 years of age and completing 5 years of service is entitled to an annuity.

(f) A Member who is separated from the service after becoming 62 years of age and completing 5 years of civilian service or after becoming 60 years of age and completing 10 years of Member service is entitled to an annuity. A Member who is separated from the service after becoming 55 years of age (but before becoming 60 years of age) and completing 30 years of service is entitled to a reduced annuity. A Member who is separated from the service, except by resignation or

1 expulsion, after completing 25 years of service or after becoming 50
2 years of age and (1) completing 20 years of service or (2) serving in
3 9 Congresses is entitled to a reduced annuity.

4 (g) An annuity or reduced annuity authorized by this section is
5 computed under section 8339 of this title.

6 **§ 8337. Disability retirement**

7 (a) An employee who completes 5 years of civilian service and is
8 found by the Civil Service Commission to have become disabled shall
9 be retired on his own application or on application by his agency. A
10 Member who completes 5 years of Member service and is found by the
11 Commission to have become disabled shall be retired on his own ap-
12 plication. An annuity authorized by this section is computed under
13 section 8339 of this title.

14 (b) A claim may be allowed under this section only if the applica-
15 tion is filed with the Commission before the employee or Member is
16 separated from the service or within 1 year thereafter. This time
17 limitation may be waived by the Commission for an employee or Mem-
18 ber who at the date of separation from service or within 1 year
19 thereafter is mentally incompetent, if the application is filed with the
20 Commission within 1 year from the date of restoration of the em-
21 ployee or Member to competency or the appointment of a fiduciary,
22 whichever is earlier.

23 (c) An annuitant receiving disability retirement annuity from the
24 Fund shall be examined under the direction of the Commission—

25 (1) at the end of 1 year from the date of the disability retire-
26 ment; and

27 (2) annually thereafter until he becomes 60 years of age;
28 unless his disability is permanent in character. If the annuitant fails
29 to submit to examination as required by this section, payment of
30 the annuity shall be suspended until continuance of the disability is
31 satisfactorily established.

32 (d) If an annuitant receiving disability retirement annuity from
33 the Fund, before becoming 60 years of age, recovers from his disability,
34 payment of the annuity terminates on reemployment by the Govern-
35 ment or 1 year after the date of the medical examination showing
36 the recovery, whichever is earlier. If an annuitant receiving dis-
37 ability retirement annuity from the Fund, before becoming 60 years
38 of age, is restored to an earning capacity fairly comparable to the
39 current rate of pay of the position occupied at the time of retirement,
40 payment of the annuity terminates on reemployment by the Govern-
41 ment or 1 year after the end of the calendar year in which earning

capacity is so restored, whichever is earlier. Earning capacity is deemed restored if in each of 2 succeeding calendar years the income of the annuitant from wages or self-employment or both equals at least 80 percent of the current rate of pay of the position occupied immediately before retirement.

(e) If an annuitant whose annuity is terminated under subsection (d) of this section is not reemployed in a position within the purview of this subchapter, he is deemed, except for service credit, to have been involuntarily separated from the service for the purpose of this subchapter as of the date of termination of the disability annuity, and after that termination is entitled to annuity under the applicable provisions of this subchapter. If an annuitant whose annuity is heretofore or hereafter terminated because of an earning capacity provision of this subchapter or an earlier statute—

(1) is not reemployed in a position within the purview of this subchapter; and

(2) has not recovered from the disability for which he was retired;

his annuity shall be restored at the same rate effective the first of the year following any calendar year in which his income from wages or self-employment or both is less than 80 percent of the current rate of pay of the position occupied immediately before retirement. If an annuitant whose annuity is heretofore or hereafter terminated because of a medical finding that he has recovered from disability is not reemployed in a position within the purview of this subchapter, his annuity shall be restored at the same rate effective from the date of medical examination showing a recurrence of the disability. The second and third sentences of this subsection do not apply to an individual who has become 62 years of age and is receiving or is eligible to receive annuity under the first sentence of this subsection.

(f) An individual is not entitled to receive an annuity under this subchapter and compensation for injury or disability to himself under subchapter I of chapter 81 of this title covering the same period of time. This provision does not bar the right of a claimant to the greater benefit conferred by either subchapter for any part of the same period of time. Neither this provision nor any provision of subchapter I of chapter 81 of this title denies to an individual an annuity accruing to him under this subchapter on account of service performed by him, or denies any concurrent benefit to him under subchapter I of chapter 81 of this title on account of the death of another individual.

1 (g) The right of an individual entitled to an annuity under this sub-
 2 chapter is not affected because he has received a lump-sum payment
 3 for compensation under section 8135 of this title. However, if the
 4 annuity is payable on account of the same disability for which com-
 5 pensation under section 8135 of this title has been paid, so much of
 6 the compensation as has been paid for a period extended beyond the
 7 date the annuity becomes effective, as determined by the Department
 8 of Labor, shall be refunded to that Department to be covered into the
 9 Employees' Compensation Fund. Before the individual may receive
 10 the annuity he shall—

11 (1) refund to the Department of Labor the amount represent-
 12 ing the commuted compensation payments for the extended
 13 period; or

14 (2) authorize the deduction of that amount from the annuity
 15 payable to him under this subchapter, which amount shall be
 16 transmitted to the Department of Labor for reimbursement to the
 17 Employees' Compensation Fund.

18 Deductions from the annuity may be made from accrued and accruing
 19 payments. When the Department of Labor finds that the financial
 20 circumstances of the annuitant warrant deferred refunding, deductions
 21 from the annuity may be prorated against and paid from accruing
 22 payments in such manner as that Department determines.

23 **§ 8338. Deferred retirement**

24 (a) An employee who is separated from the service or transferred
 25 to a position not within the purview of this subchapter after complet-
 26 ing 5 years of civilian service is entitled to an annuity beginning at the
 27 age of 62 years.

28 (b) A Member who, after December 31, 1955, is separated from the
 29 service as a Member after completing 5 years of civilian service is en-
 30 titled to an annuity beginning at the age of 62 years. A Member who
 31 is separated from the service after completing 10 or more years of
 32 Member service is entitled to an annuity beginning at the age of 60
 33 years. A Member who is separated from the service after completing
 34 20 or more years of service, including 10 or more years of Member
 35 service, is entitled to a reduced annuity beginning at the age of 50
 36 years.

37 (c) An annuity or reduced annuity authorized by this section is
 38 computed under section 8339 of this title.

39 **§ 8339. Computation of annuity**

40 (a) Except as otherwise provided by this section, the annuity of an
 41 employee retiring under this subchapter is—

(1) $1\frac{1}{2}$ percent of his average pay multiplied by so much of his total service as does not exceed 5 years; plus

(2) $1\frac{3}{4}$ percent of his average pay multiplied by so much of his total service as exceeds 5 years but does not exceed 10 years; plus

(3) 2 percent of his average pay multiplied by so much of his total service as exceeds 10 years.

However, when it results in a larger annuity, 1 percent of his average pay plus \$25 is substituted for the percentage specified by paragraph (1), (2), or (3) of this subsection, or any combination thereof.

(b) The annuity of a Congressional employee, or former Congressional employee, retiring under this subchapter is computed under subsection (a) of this section, except, if he has had—

(1) at least 5 years' service as a Congressional employee or Member or any combination thereof; and

(2) deductions withheld from his pay or has made deposit covering his last 5 years of civilian service;

his annuity is computed, with respect to so much of his service as a Congressional employee and his military service as does not exceed a total of 15 years and any Member service, by multiplying $2\frac{1}{2}$ percent of his average pay by the years of that service.

(c) The annuity of a Member, or former Member with title to Member annuity, retiring under this subchapter is computed under subsection (a) of this section, except, if he has had at least 5 years' service as a Member or Congressional employee or any combination thereof, his annuity is computed with respect to—

(1) his service as a Member and so much of his military service as is creditable for the purpose of this paragraph; and

(2) so much of his Congressional employee service as does not exceed 15 years;

by multiplying $2\frac{1}{2}$ percent of his average pay by the years of that service.

(d) The annuity of an employee retiring under section 8336(c) of this title is 2 percent of his average pay multiplied by his total service.

(e) The annuity computed under subsections (a)–(d) of this section may not exceed 80 percent of—

(1) the average pay of the employee; or

(2) the final basic pay of the Member.

(f) The annuity of an employee or Member retiring under section

1 8337 of this title is at least the smaller of—

2 (1) 40 percent of his average pay; or

3 (2) the sum obtained under subsections (a)–(c) of this section
4 after increasing his service of the type last performed by the
5 period elapsing between the date of separation and the date he
6 becomes 60 years of age.

7 However, this subsection does not increase the annuity of a survivor.

8 (g) The annuity computed under subsections (a)–(c) and (e) of
9 this section for an employee retiring under section 8336 (b) or (d) of
10 this title, or a Member retiring under the second or third sentence of
11 section 8336(f) of this title or the third sentence of section 8338(b)
12 of this title, is reduced by $\frac{1}{12}$ of 1 percent for each full month not in
13 excess of 60 months, and $\frac{1}{6}$ of 1 percent for each full month in excess
14 of 60 months, the employee or Member is under 60 years of age at the
15 date of separation.

16 (h) The annuity computed under subsections (a)–(g) of this sec-
17 tion is reduced by 10 percent of a deposit described by section 8334
18 (c) of this title remaining unpaid, unless the employee or Member
19 elects to eliminate the service involved for the purpose of annuity
20 computation.

21 (i) The annuity computed under subsections (a)–(h) of this sec-
22 tion (excluding any increase because of retirement under section 8337
23 of this title) for a married employee or Member retiring under this
24 subchapter, or any portion of that annuity designated in writing for
25 the purpose of section 8341(b) of this title by the employee or Mem-
26 ber at the time of retirement, is reduced by $2\frac{1}{2}$ percent of so much
27 thereof as does not exceed \$3,600 and by 10 percent of so much thereof
28 as exceeds \$3,600, unless the employee or Member notifies the Civil
29 Service Commission in writing at the time of retirement that he does
30 not desire his spouse to receive an annuity under section 8341(b) of
31 this title.

32 (j) At the time of retiring under section 8336 or 8338 of this title,
33 an unmarried employee or Member who is found to be in good health
34 by the Commission may elect a reduced annuity instead of an annuity
35 computed under subsections (a)–(h) of this section and name in writ-
36 ing an individual having an insurable interest in the employee or
37 Member to receive an annuity under section 8341(c) of this title after
38 the death of the retired employee or Member. The annuity of the
39 employee or Member making the election is reduced by 10 percent,
40 and by 5 percent for each full 5 years the individual named is younger

1 than the retiring employee or Member. However, the total reduc-
2 tion may not exceed 40 percent.

3 (k) The annuity computed under subsections (a)–(j) of this section
4 for an employee who is a citizen of the United States is increased by \$36
5 for each year of service in the employ of—

6 (1) the Alaska Engineering Commission, or The Alaska Rail-
7 road, in Alaska between March 12, 1914, and July 1, 1923; or

8 (2) the Isthmian Canal Commission, or the Panama Railroad
9 Company, on the Isthmus of Panama between May 4, 1904, and
10 April 1, 1914.

11 § 8340. Cost-of-living adjustment of annuities

12 (a) After January 1 of each year the Civil Service Commission
13 shall determine the percent change in the price index from the later
14 of 1962 or the year preceding the most recent cost-of-living adjust-
15 ment to the latest complete year. On the basis of this determination,
16 and effective April 1 of any year after the price index change equals
17 a rise of at least 3 percent, each annuity payable from the Fund which
18 has a commencing date earlier than January 2 of the preceding year
19 shall be increased by the percent rise in the price index adjusted to
20 the nearest $\frac{1}{10}$ of 1 percent.

21 (b) Eligibility for an annuity increase under this section is gov-
22 erned by the commencing date of each annuity payable from the Fund
23 as of the effective date of an increase, except as follows:

24 (1) Effective from the date of the first increase under this
25 section, an annuity payable from the Fund to an annuitant's sur-
26 vivor (except a child entitled under section 8341(e) of this title),
27 which annuity commenced the day after the death of the an-
28 nuitant, shall be increased as provided by subsection (a) of this
29 section if the commencing date of annuity to the annuitant was
30 earlier than January 2 of the year preceding the first increase.

31 (2) Effective from its commencing date, an annuity payable
32 from the Fund to an annuitant's survivor (except a child en-
33 titled under section 8341(e) of this title), which annuity com-
34 mences the day after the death of the annuitant and after the
35 effective date of the first increase under this section, shall be in-
36 creased by the total percent increase the annuitant was receiving
37 under this section at death.

38 (3) For the purpose of computing an annuity which com-
39 mences after the effective date of the first increase under this
40 section to a child under section 8341(e) of this title, the items
41 \$600, \$720, \$1,800, and \$2,160 appearing in section 8341(e) of

1 this title shall be increased by the total percent increase allowed
 2 and in force under this section, and, in case of a deceased an-
 3 nuitant, the items 40 percent and 50 percent appearing in sec-
 4 tion 8341(e) of this title shall be increased by the total percent
 5 increase allowed and in force under this section to the annuitant
 6 at death. Effective from the date of the first increase under this
 7 section, this paragraph applies as if the first increase were in
 8 effect with respect to computation of the annuity of a child under
 9 section 8341(e) of this title which commenced between January 2
 10 of the year preceding the first increase and the effective date of
 11 the first increase.

12 (c) This section does not authorize an increase in an additional
 13 annuity purchased at retirement by voluntary contributions.

14 (d) The monthly installment of annuity after adjustment under
 15 this section is fixed at the nearest dollar.

16 **§ 8341. Survivor annuities**

17 (a) For the purpose of this section—

18 (1) “widow” means the surviving wife of an employee or Mem-
 19 ber who—

20 (A) was married to him for at least 2 years immediately
 21 before his death; or

22 (B) is the mother of issue by that marriage;

23 (2) “widower” means the surviving husband of an employee or
 24 Member who—

25 (A) was married to her for at least 2 years immediately
 26 before her death; or

27 (B) is the father of issue by that marriage;

28 (3) “dependent widower” means a widower who—

29 (A) is incapable of self-support because of mental or
 30 physical disability; and

31 (B) received more than half his support from the em-
 32 ployee or Member; and

33 (4) “child” means—

34 (A) an unmarried child under 18 years of age, including

35 (i) an adopted child, and (ii) a stepchild or recognized
 36 natural child who received more than half his support from
 37 and lived with the employee or Member in a regular parent-
 38 child relationship;

39 (B) such unmarried child regardless of age who is in-
 40 capable of self-support because of mental or physical disa-
 41 bility incurred before age 18; or

(C) such unmarried child between 18 and 21 years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution.

For the purpose of this paragraph and subsection (e) of this section, a child whose 21st birthday occurs before July 1 or after August 31 of a calendar year, and while he is regularly pursuing such a course of study or training, is deemed to have become 21 years of age on the first day of July after that birthday. A child who is a student is deemed not to have ceased to be a student during an interim between school years if the interim is not more than 4 months and if he shows to the satisfaction of the Civil Service Commission that he has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the school semester (or other period into which the school year is divided) immediately after the interim.

(b) If an employee or Member dies after having retired under this subchapter and is survived by a spouse to whom he was married at the time of retirement, the spouse is entitled to an annuity equal to 55 percent of an annuity computed under section 8339(a)-(h) of this title as may apply with respect to the annuitant, or of such portion thereof as may have been designated for this purpose under section 8339(i) of this title, unless the employee or Member has notified the Commission in writing at the time of retirement that he does not desire his spouse to receive this annuity. The annuity of the spouse commences on the day after the retired employee or Member dies. This annuity and the right thereto terminate on the last day of the month before the spouse dies or remarries.

(c) The annuity of a survivor named under section 8339(j) of this title is 55 percent of the reduced annuity of the retired employee or Member. The annuity of the survivor commences on the day after the retired employee or Member dies. This annuity and the right thereto terminate on the last day of the month before the survivor dies.

(d) If an employee or Member dies after completing at least 5 years of civilian service, the widow or dependent widower of the employee or Member is entitled to an annuity equal to 55 percent of an annuity computed under section 8339(a)-(e) and (h) of this title as may apply with respect to the employee or Member. The annuity of the widow or dependent widower commences on the day after the em-

1 employee or Member dies. This annuity and the right thereto terminate
2 on the last day of the month before—

3 (1) the widow or dependent widower dies or remarries; or

4 (2) the dependent widower becomes capable of self-support.

5 (e) (1) If an employee or Member dies after completing at least 5
6 years of civilian service, or an employee or Member dies after retiring
7 under this subchapter, and is survived by a spouse, each surviving
8 child who received more than half of his support from the em-
9 ployee or Member is entitled to an annuity equal to the smallest of—

10 (A) 40 percent of the average pay of the employee or Member
11 divided by the number of children;

12 (B) \$600; or

13 (C) \$1,800 divided by the number of children.

14 If the employee or Member is not survived by a spouse, each surviving
15 child is entitled to an annuity equal to the smallest of—

16 (i) 50 percent of the average pay of the employee or Member
17 divided by the number of children;

18 (ii) \$720; or

19 (iii) \$2,160 divided by the number of children.

20 (2) The annuity of the child commences on the day after the em-
21 ployee or Member dies. This annuity granted under this subchapter
22 or under the Act of May 29, 1930, as amended from and after February
23 28, 1948, and the right thereto terminate on the last day of the month
24 before the child—

25 (A) becomes 18 years of age unless incapable of self-support;

26 (B) becomes capable of self-support after age 18; or

27 (C) dies or marries.

28 However, the annuity of a child who is a student as described by sub-
29 section (a) (4) of this section terminates on the last day of the month
30 before he—

31 (i) ceases to be such a student;

32 (ii) becomes 21 years of age; or

33 (iii) dies or marries.

34 On the death of the surviving spouse or termination of the annuity
35 of a child, the annuity of any other child or children shall be recom-
36 puted and paid as though the spouse or child had not survived the
37 employee or Member.

38 (f) If a Member heretofore or hereafter separated from the service
39 with title to deferred annuity from the Fund hereafter dies before
40 having established a valid claim for annuity and is survived by a

spouse to whom married at the date of separation, the surviving spouse—

(1) is entitled to an annuity equal to 55 percent of the deferred annuity of the Member commencing on the day after the Member dies and terminating on the last day of the month before the surviving spouse dies or remarries; or

(2) may elect to receive the lump-sum credit instead of annuity if the spouse is the individual who would be entitled to the lump-sum credit and files application therefor with the Commission before the award of the annuity.

§ 8342. Lump-sum benefits; designation of beneficiary; order of precedence

(a) An employee or Member who is separated from the service, or is transferred to a position not within the purview of this subchapter, is entitled to be paid the lump-sum credit if his separation or transfer occurs and application for payment is filed with the Civil Service Commission at least 31 days before the earliest commencing date of any annuity for which he is eligible. The receipt of payment of the lump-sum credit by the individual voids all annuity rights under this subchapter, until he is reemployed in the service subject to this subchapter. This subsection also applies to an employee or Member separated before October 1, 1956, after completing at least 20 years of civilian service.

(b) Under regulations prescribed by the Commission, a present or former employee or Member may designate a beneficiary or beneficiaries for the purpose of this subchapter.

(c) Lump-sum benefits authorized by subsections (d)–(f) of this section shall be paid to the person or persons surviving the employee or Member and alive at the date title to the payment arises in the following order of precedence, and the payment bars recovery by any other person:

First, to the beneficiary or beneficiaries designated by the employee or Member in a writing received in the Commission before his death.

Second, if there is no designated beneficiary, to the widow or widower of the employee or Member.

Third, if none of the above, to the child or children of the employee or Member and descendants of deceased children by representation.

Fourth, if none of the above, to the parents of the employee or Member or the survivor of them.

1 Fifth, if none of the above, to the duly appointed executor or
2 administrator of the estate of the employee or Member.

3 Sixth, if none of the above, to such other next of kin of the
4 employee or Member as the Commission determines to be entitled
5 under the laws of the domicile of the employee or Member at the
6 date of his death.

7 (d) If an employee or Member dies—

8 (1) without a survivor; or

9 (2) with a survivor or survivors and the right of all survivors
10 terminates before a claim for survivor annuity is filed;
11 or if a former employee or Member not retired dies, the lump-sum
12 credit shall be paid.

13 (e) If all annuity rights under this subchapter based on the service
14 of a deceased employee or Member terminate before the total annuity
15 paid equals the lump-sum credit, the difference shall be paid.

16 (f) If an annuitant dies, annuity accrued and unpaid shall be paid.

17 (g) Annuity accrued and unpaid on the termination, except by
18 death, of the annuity of an annuitant or survivor annuitant shall be
19 paid to that individual. Annuity accrued and unpaid on the death of
20 a survivor annuitant shall be paid in the following order of prece-
21 dence, and the payment bars recovery by any other person:

22 First, to the duly appointed executor or administrator of the
23 estate of the survivor annuitant.

24 Second, if there is no executor or administrator, payment may
25 be made, after 30 days from the date of death of the survivor
26 annuitant, to such next of kin of the survivor annuitant as the
27 Commission determines to be entitled under the laws of the
28 domicile of the survivor annuitant at the date of his death.

29 (h) Amounts deducted and withheld from the basic pay of an em-
30 ployee or Member from the first day of the first month which begins
31 after he has performed sufficient service (excluding service which the
32 employee or Member elects to eliminate for the purpose of annuity
33 computation under section 8339 of this title) to entitle him to the
34 maximum annuity provided by section 8339 of this title, together
35 with interest on the amounts at the rate of 3 percent a year com-
36 pounded annually from the date of the deductions to the date of
37 retirement or death, shall be applied toward any deposit due under
38 section 8334 of this title, and any balance not so required is deemed
39 a voluntary contribution for the purpose of section 8343 of this title.

40 (i) An employee who—

41 (1) is separated from the service before July 12, 1960; and

(2) continues in the service after July 12, 1960, without break in service of 1 workday or more; is entitled to the benefits of subsection (h) of this section.

§ 8343. Additional annuities; voluntary contributions

(a) Under regulations prescribed by the Civil Service Commission, an employee or Member may voluntarily contribute additional sums in multiples of \$25, but the total may not exceed 10 percent of his basic pay for creditable service after July 31, 1920. The voluntary contribution account in each case is the sum of unrefunded contributions, plus interest at 3 percent a year compounded annually to—

(1) the date of payment under subsection (d) of this section, separation, or transfer to a position not within the purview of this subchapter, whichever is earliest; or

(2) the commencing date fixed for a deferred annuity or date of death, whichever is earlier, in the case of an individual who is separated with title to deferred annuity and does not claim the voluntary contribution account.

(b) The voluntary contribution account is used to purchase at retirement an annuity in addition to the annuity otherwise provided. For each \$100 in the voluntary contribution account, the additional annuity consists of \$7, increased by 20 cents for each full year, if any, the employee or Member is over 55 years of age at the date of retirement.

(c) A retiring employee or Member may elect a reduced additional annuity instead of the additional annuity described by subsection (b) of this section and designate in writing an individual to receive after his death an annuity of 50 percent of his reduced additional annuity. The additional annuity of the employee or Member making the election is reduced by 10 percent, and by 5 percent for each full 5 years the individual designated is younger than the retiring employee or Member. However, the total reduction may not exceed 40 percent.

(d) A present or former employee or Member is entitled to be paid the voluntary contribution account if he files application for payment with the Commission before receiving an additional annuity. An individual who has been paid the voluntary contribution account may not again deposit additional sums under this section until, after a separation from the service of more than 3 calendar days, he again becomes subject to this subchapter.

(e) If a present or former employee or Member not retired dies, the voluntary contribution account is paid under section 8342(c) of this title. If all additional annuities or any right thereto based on the

1 voluntary contribution account of a deceased employee or Member
 2 terminate before the total additional annuity paid equals the account,
 3 the difference is paid under section 8342(c) of this title.

4 **§ 8344. Annuities and pay on reemployment**

5 (a) If an annuitant receiving annuity from the Fund, except—

6 (1) a disability annuitant whose annuity is terminated because
 7 of his recovery or restoration of earning capacity;

8 (2) an annuitant whose annuity is based on an involuntary
 9 separation from the service other than an automatic separation;

10 or

11 (3) a Member receiving annuity from the Fund;

12 becomes employed after September 30, 1956, or on July 31, 1956 was
 13 serving, in an appointive or elective position, his service on and after
 14 the date he was or is so employed is covered by this subchapter.
 15 Deductions for the Fund may not be withheld from his pay. An
 16 amount equal to the annuity allocable to the period of actual employ-
 17 ment shall be deducted from his pay. If the annuitant serves on a
 18 full-time basis, except as President, for at least 1 year in employment
 19 not excluding him from coverage under section 8331(1)(i) or (ii) of
 20 this title—

21 (A) his annuity on termination of employment is increased by
 22 an annuity computed under section 8339 (a), (b), (d), (g), and
 23 (h) of this title as may apply based on the period of employment
 24 and the basic pay, before deduction, averaged during that em-
 25 ployment; and

26 (B) his lump-sum credit may not be reduced by annuity paid
 27 during that employment.

28 If the described employment of the annuitant continues for at least
 29 5 years, he may elect, instead of the benefits provided by this subsec-
 30 tion, to deposit in the Fund an amount computed under section 8334(c)
 31 of this title covering that employment and have his rights redetermined
 32 under this subchapter. A similar right to redetermination after
 33 deposit is applicable to an annuitant—

34 (i) whose annuity is based on an involuntary separation from
 35 the service; and

36 (ii) who is separated after October 3, 1961, following a period
 37 of employment on a full-time basis which began before October
 38 1, 1956.

39 The employment of an annuitant under this subsection does not create
 40 an annuity for or affect the annuity of a survivor.

(b) If a Member receiving annuity from the Fund becomes employed in an appointive or elective position, annuity payments are discontinued during the employment and resumed in the same amount on termination of the employment, except that—

(1) the retired Member or Member separated with title to immediate or deferred annuity, who serves at any time after separation as a Member in an appointive position in which he is within the purview of this subchapter, is entitled, if he so elects, to have his Member annuity computed or recomputed as if the service had been performed before his separation as a Member and the annuity as so computed or recomputed is effective—

(A) the day Member annuity commences; or

(B) the day after the date of separation from the appointive position;

whichever is later;

(2) if the retired Member becomes employed after December 31, 1958, in an appointive position on an intermittent-service basis—

(A) his annuity continues during the employment and is not increased as a result of service performed during that employment;

(B) retirement deductions may not be withheld from his pay;

(C) an amount equal to the annuity allocable to the period of actual employment shall be deducted from his pay; and

(D) the amounts so deducted shall be deposited in the Treasury of the United States to the credit of the Fund;

(3) if the retired Member becomes employed after December 31, 1958, in an appointive position without pay on a full-time or substantially full-time basis, his annuity continues during the employment and is not increased as a result of service performed during the employment; and

(4) if the retired Member takes office as Member and gives notice as provided by section 8331(2) of this title, his service as Member during that period shall be credited in determining his right to and the amount of later annuity.

This subsection does not apply to a Member appointed by the President to a position not requiring confirmation by the Senate.

§ 8345. Payment of benefits; commencement, termination, and waiver of annuity

1 (a) Each annuity is stated as an annual amount, one-twelfth of
 2 which, fixed at the nearest dollar, constitutes the monthly rate payable
 3 on the first business day of the month after the month or other period
 4 for which it has accrued.

5 (b) Except as otherwise provided, the annuity of an employee or
 6 Member commences on the day after he is separated from the service,
 7 or on the day after his pay ceases and he meets the service and the age
 8 or disability requirements for title to annuity. An annuity payable
 9 from the Fund allowed after September 5, 1960, commences on the
 10 day after the occurrence of the event on which payment thereof is
 11 based.

12 (c) The annuity of a retired employee or Member terminates on the
 13 day death or other terminating event provided by this subchapter
 14 occurs. The annuity of a survivor terminates on the last day of the
 15 month before death or other terminating event occurs.

16 (d) An individual entitled to annuity from the Fund may decline
 17 to accept all or any part of the annuity by a waiver signed and filed
 18 with the Civil Service Commission. The waiver may be revoked in
 19 writing at any time. Payment of the annuity waived may not be
 20 made for the period during which the waiver was in effect.

21 (e) Payment due a minor, or an individual mentally incompetent or
 22 under other legal disability, may be made to the person who is con-
 23 stituted guardian or other fiduciary by the law of the State of residence
 24 of the claimant or is otherwise legally vested with the care of the
 25 claimant or his estate. If a guardian or other fiduciary of the indi-
 26 vidual under legal disability has not been appointed under the law
 27 of the State of residence of the claimant, payment may be made to any
 28 person who, in the judgment of the Commission, is responsible for
 29 the care of the claimant, and the payment bars recovery by any other
 30 person.

31 § 8346. Exemption from legal process; recovery of payments

32 (a) The money mentioned by this subchapter is not assignable, either
 33 in law or equity, or subject to execution, levy, attachment, garnish-
 34 ment, or other legal process.

35 (b) Recovery of payments under this subchapter may not be made
 36 from an individual when, in the judgment of the Civil Service Com-
 37 mission, the individual is without fault and recovery would be against
 38 equity and good conscience. Withholding or recovery of money
 39 mentioned by this subchapter on account of a certification or payment
 40 made by a former employee of the United States in the discharge of
 41 his official duties may be made only if the head of the agency on behalf

1 of which the certification or payment was made certifies to the Com-
2 mission that the certification or payment involved fraud on the part
3 of the former employee.

4 **§ 8347. Administration; regulations**

5 (a) The Civil Service Commission shall administer this subchapter.
6 Except as otherwise specifically provided herein, the Commission shall
7 perform, or cause to be performed, such acts and prescribe such regu-
8 lations as are necessary and proper to carry out this subchapter.

9 (b) Applications under this subchapter shall be in such form as the
10 Commission prescribes. Agencies shall support the applications by
11 such certificates as the Commission considers necessary to the deter-
12 mination of the rights of applicants. The Commission shall adjudi-
13 cate all claims under this subchapter.

14 (c) The Commission shall determine questions of disability and
15 dependency arising under this subchapter. The decisions of the Com-
16 mission concerning these matters are final and conclusive and are not
17 subject to review. The Commission may direct at any time such medi-
18 cal or other examinations as it considers necessary to determine the
19 facts concerning disability or dependency of an individual receiving or
20 applying for annuity under this subchapter. The Commission may
21 suspend or deny annuity for failure to submit to examination.

22 (d) An administrative action or order affecting the rights or inter-
23 ests of an individual or of the United States under this subchapter
24 may be appealed to the Commission under procedures prescribed by
25 the Commission.

26 (e) The Commission shall fix the fees for examinations made under
27 this subchapter by physicians or surgeons who are not medical officers
28 of the United States. The fees and reasonable traveling and other
29 expenses incurred in connection with the examinations are paid from
30 appropriations for the cost of administering this subchapter.

31 (f) The Commission shall select three actuaries, to be known as the
32 Board of Actuaries of the Civil Service Retirement System. The
33 Commission shall fix the pay of the members of the Board, except
34 members otherwise in the employ of the United States. The Board
35 shall report annually on the actuarial status of the System and furnish
36 its advice and opinion on matters referred to it by the Commission.
37 The Board may recommend to the Commission and to Congress
38 such changes as in the Board's judgment are necessary to protect the
39 public interest and maintain the System on a sound financial basis.
40 The Commission shall keep, or cause to be kept, such records as it con-
41 siders necessary for making periodic actuarial valuations of the Sys-

1 tem. The Board shall make actuarial valuations every 5 years, or
2 oftener if considered necessary by the Commission.

3 (g) The Commission may exclude from the operation of this sub-
4 chapter an employee or group of employees in or under an Executive
5 agency whose employment is temporary or intermittent.

6 (h) The Commission, on recommendation by the Commissioners of
7 the District of Columbia, may exclude from the operation of this sub-
8 chapter an individual or group of individuals employed by the govern-
9 ment of the District of Columbia whose employment is temporary or
10 intermittent.

11 (i) The Architect of the Capitol may exclude from the operation
12 of this subchapter an employee under the Office of the Architect of
13 the Capitol whose employment is temporary or of uncertain duration.

14 (j) The Librarian of Congress may exclude from the operation of
15 this subchapter an employee under the Library of Congress whose
16 employment is temporary or of uncertain duration.

17 (k) The Secretary of Agriculture shall prescribe regulations to
18 effect the application and operation of this subchapter to an individual
19 named by section 8331(1) (F) of this title.

20 **§ 8348. Civil Service Retirement and Disability Fund**

21 (a) There is a Civil Service Retirement and Disability Fund. The
22 Fund is appropriated for the payment of benefits as provided by this
23 subchapter.

24 (b) The Secretary of the Treasury may accept and credit to the
25 Fund money received in the form of a donation, gift, legacy, or be-
26 quest, or otherwise contributed for the benefit of civil-service em-
27 ployees generally.

28 (c) The Secretary shall immediately invest in interest-bearing
29 securities of the United States such currently available portions of the
30 Fund as are not immediately required for payments from the Fund.
31 The income derived from these investments constitutes a part of the
32 Fund.

33 (d) The purposes for which obligations of the United States may be
34 issued under the Second Liberty Bond Act, as amended, are extended
35 to authorize the issuance at par of public-debt obligations for pur-
36 chase by the Fund. The obligations issued for purchase by the Fund
37 shall have maturities fixed with due regard for the needs of the Fund
38 and bear interest at a rate equal to the average market yield computed
39 as of the end of the calendar month next preceding the date of the
40 issue, borne by all marketable interest-bearing obligations of the
41 United States then forming a part of the public debt which are not due

or callable until after the expiration of 4 years from the end of that calendar month. If the average market yield is not a multiple of $\frac{1}{8}$ of 1 percent, the rate of interest on the obligations shall be the multiple of $\frac{1}{8}$ of 1 percent nearest the average market yield.

(e) The Secretary may purchase other interest-bearing obligations of the United States, or obligations guaranteed as to both principal and interest by the United States, on original issue or at the market price only if he determines that the purchases are in the public interest.

(f) The Civil Service Commission shall submit estimates of the appropriations necessary to finance the Fund on a normal cost plus interest basis and to carry out this subchapter.

(g) Money now or hereafter contained in the Fund may not be used to pay an increase in annuity benefits or a new annuity benefit under this subchapter or an earlier statute which is authorized by amendment thereof until and unless an appropriation is made to the Fund in an amount which the Commission estimates to be sufficient to prevent an immediate increase in the unfunded accrued liability of the Fund.

CHAPTER 85—UNEMPLOYMENT COMPENSATION

SUBCHAPTER I—EMPLOYEES GENERALLY

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SUBCHAPTER I—EMPLOYEES GENERALLY

§ 8501. Definitions

For the purpose of this subchapter—

(1) "Federal service" means service performed after 1952 in the employ of the United States, an instrumentality of the United States which is wholly or partially owned by the United States, a Federal land bank, a Federal intermediate credit bank, and a bank for cooperatives, but does not include service (except service to which subchapter II of this chapter applies) performed—

(A) by an elective official in the executive or legislative branch;

- 1 (B) as a member of the armed forces;
- 2 (C) by foreign service personnel for whom special **sepa-**
- 3 **ration** allowances are provided under chapter 14 of title 22;
- 4 (D) outside the United States, the Commonwealth of
- 5 Puerto Rico, and the Virgin Islands by an individual **who is**
- 6 not a citizen of the United States;
- 7 (E) by an individual excluded by regulations of the Civil
- 8 Service Commission from the operation of subchapter III
- 9 of chapter 83 of this title because he is paid on a contract or
- 10 fee basis;
- 11 (F) by an individual receiving nominal pay and allow-
- 12 ances of \$12 or less a year;
- 13 (G) in a hospital, home, or other institution of the United
- 14 States by a patient or inmate thereof;
- 15 (H) by a student-employee as defined by section 5351 of
- 16 this title;
- 17 (I) by an individual serving on a temporary basis in case
- 18 of fire, storm, earthquake, flood, or other similar emergency;
- 19 (J) by an individual employed under a Federal relief
- 20 program to relieve him from unemployment;
- 21 (K) as a member of a State, county, or community com-
- 22 mittee under the Agricultural Stabilization and Conservation
- 23 Service or of any other board, council, committee, or other
- 24 similar body, unless the board, council, committee, or other
- 25 body is composed exclusively of individuals otherwise in the
- 26 full-time employ of the United States; or
- 27 (L) by an officer or a member of the crew on or in con-
- 28 nection with an American vessel—
- 29 (i) owned by or bareboat chartered to the United
- 30 States; and
- 31 (ii) whose business is conducted by a general agent
- 32 of the Secretary of Commerce;
- 33 if contributions on account of the service are required to be
- 34 made to an unemployment fund under a State unemployment
- 35 compensation statute under section 3305(g) of title 26;
- 36 (2) “Federal wages” means all pay and allowances, in cash
- 37 and in kind, for Federal service;
- 38 (3) “Federal employee” means an individual who has per-
- 39 formed Federal service;

(4) "compensation" means cash benefits payable to an individual with respect to his unemployment including any portion thereof payable with respect to dependents;

(5) "benefit year" means the benefit year as defined by the applicable State unemployment compensation statute, and if not so defined the term means the period prescribed in the agreement under this subchapter with a State or, in the absence of such an agreement, the period prescribed by the Secretary of Labor; and

(6) "State" means the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

§ 8502. Compensation under State agreement

(a) The Secretary of Labor, on behalf of the United States, may enter into an agreement with a State, or with an agency administering the unemployment compensation statute of a State, under which the State agency shall—

(1) pay, as agent of the United States, compensation under this subchapter to Federal employees; and

(2) otherwise cooperate with the Secretary and with other State agencies in paying compensation under this subchapter.

(b) Except as provided by subsection (c) of this section, the agreement shall provide that compensation will be paid by the State to a Federal employee in the same amount, on the same terms, and subject to the same conditions as the compensation which would be payable to him under the unemployment compensation statute of the State if his Federal service and Federal wages assigned under section 8504 of this title to the State had been included as employment and wages under that State statute.

(c) In the case of the Commonwealth of Puerto Rico, the agreement shall provide that compensation will be paid by the Commonwealth to a Federal employee whose Federal service and Federal wages are assigned under section 8504 of this title to the Commonwealth (but only in the case of weeks of unemployment beginning before January 1, 1966), in the same amount, on the same terms, and subject to the same conditions as the compensation which would be payable to him under the unemployment compensation statute of the District of Columbia if his Federal service and Federal wages had been included as employment and wages under that statute. However, if the Federal employee, without regard to his Federal service and Federal wages, has employment or wages sufficient to qualify for compensation during the benefit year under that statute, then payments of compensation under this subsection may be made only on

1 the basis of his Federal service and Federal wages. In applying
2 this subsection, employment and wages under the unemployment com-
3 pensation statute of the Commonwealth may not be combined with
4 Federal service or Federal wages.

5 (d) A determination by a State agency with respect to entitlement
6 to compensation under an agreement is subject to review in the same
7 manner and to the same extent as determinations under the State
8 unemployment compensation statute, and only in that manner and to
9 that extent.

10 (e) Each agreement shall provide the terms and conditions on which
11 it may be amended or terminated.

12 **§ 8503. Compensation absent State agreement**

13 (a) In the case of a Federal employee whose Federal service and
14 Federal wages are assigned under section 8504 of this title to a State
15 which does not have an agreement with the Secretary of Labor, the
16 Secretary, under regulations prescribed by him, shall, on the filing
17 by the Federal employee of a claim for compensation under this sub-
18 section, pay compensation to him in the same amount, on the same
19 terms, and subject to the same conditions as would be paid to him
20 under the unemployment compensation statute of the State if his
21 Federal service and Federal wages had been included as employment
22 and wages under that State statute. However, if the Federal em-
23 ployee, without regard to his Federal service and Federal wages,
24 has employment or wages sufficient to qualify for compensation dur-
25 ing the benefit year under that State statute, then payments of
26 compensation under this subsection may be made only on the basis
27 of his Federal service and Federal wages. For the purpose of this
28 subsection, "State" does not include the Commonwealth of Puerto
29 Rico in the case of weeks of unemployment beginning before January
30 1, 1966.

31 (b) In the case of a Federal employee whose Federal service and
32 Federal wages are assigned under section 8504 of this title to—

33 (1) the Virgin Islands; or

34 (2) the Commonwealth of Puerto Rico with respect to weeks of
35 unemployment beginning before January 1, 1966;

36 the Secretary, under regulations prescribed by him and on the filing
37 of a claim for compensation under this subsection by the Federal
38 employee, shall pay the compensation to him in the same amounts, on
39 the same terms, and subject to the same conditions as would be paid
40 to him under the unemployment compensation statute of the District
41 of Columbia if his Federal service and Federal wages had been in-

cluded as employment and wages under that statute. However, if the Federal employee, without regard to his Federal service and Federal wages, has employment or wages sufficient to qualify for compensation during the benefit year under that statute, then payments of compensation under this subsection may be made only on the basis of his Federal service and Federal wages. In the case of weeks of unemployment beginning before January 1, 1966, this subsection applies with respect to the Commonwealth of Puerto Rico only if the Commonwealth does not have an agreement under this subchapter with the Secretary. In applying this subsection, employment and wages under the unemployment compensation statute of the Commonwealth may not be combined with Federal service or Federal wages.

(c) A Federal employee whose claim for compensation under subsection (a) or (b) of this section is denied is entitled to a fair hearing under regulations prescribed by the Secretary. A final determination by the Secretary with respect to entitlement to compensation under this section is subject to review by the courts in the same manner and to the same extent as is provided by section 405(g) of title 42.

(d) For the purpose of this section, the Secretary may—

(1) use the personnel and facilities of the agency in the Virgin Islands cooperating with the United States Employment Service under chapter 4B of title 29; and

(2) delegate to officials of that agency the authority granted to him by this section when he considers the delegation to be necessary in carrying out the purpose of this subchapter.

For the purpose of payments made to that agency under chapter 4B of title 29, the furnishing of the personnel and facilities is deemed a part of the administration of the public employment offices of that agency.

§ 8504. Assignment of Federal service and wages

Under regulations prescribed by the Secretary of Labor, the Federal service and Federal wages of a Federal employee shall be assigned to the State in which he had his last official station in Federal service before the filing of his first claim for compensation for the benefit year. However—

(1) if, at the time of filing his first claim, he resides in another State in which he performed, after the termination of his Federal service, service covered under the unemployment compensation statute of the other State, his Federal service and Federal wages shall be assigned to the other State;

1 (2) if his last official station in Federal service, before filing
2 his first claim, was outside the United States, his Federal service
3 and Federal wages shall be assigned to the State where he resides
4 at the time he files his first claim; and

5 (3) if his first claim is filed—

6 (A) before January 1, 1966, while he is residing in the
7 Commonwealth of Puerto Rico; or

8 (B) while he is residing in the Virgin Islands;
9 his Federal service and Federal wages shall be assigned to the
10 one in which he resides.

11 In the case of a first claim filed before January 1, 1966, "United
12 States" in paragraph (2) of this section does not include the Common-
13 wealth of Puerto Rico.

14 **§ 8505. Payments to States**

15 (a) Each State is entitled to be paid by the United States an amount
16 equal to the additional cost to the State of payments of compensation
17 in accordance with an agreement under this subchapter which would
18 not have been made by the State but for the agreement.

19 (b) Each State shall be paid, either in advance or by way of reim-
20 bursement, as may be determined by the Secretary of Labor, the sum
21 that the Secretary estimates the State is entitled to receive under this
22 subchapter for each calendar month. The sum shall be reduced or
23 increased by the amount which the Secretary finds that his estimate
24 for an earlier calendar month was greater or less than the sum which
25 should have been paid to the State. An estimate may be made on the
26 basis of a statistical, sampling, or other method agreed on by the
27 Secretary and the State agency.

28 (c) The Secretary, from time to time, shall certify to the Secretary
29 of the Treasury the sum payable to each State under this section.
30 The Secretary of the Treasury, before audit or settlement by the
31 General Accounting Office, shall pay the State in accordance with the
32 certification from the funds for carrying out the purposes of this sub-
33 chapter.

34 (d) Money paid a State under this subchapter may be used solely
35 for the purposes for which it is paid. Money so paid which is not
36 used for these purposes shall be returned, at the time specified by the
37 agreement, to the Treasury of the United States and credited to cur-
38 rent applicable appropriations, funds, or accounts from which pay-
39 ments to States under this subchapter may be made.

(e) An agreement may—

(1) require each State officer or employee who certifies payments or disburses funds under the agreement, or who otherwise participates in its performance, to give a surety bond to the United States in the amount the Secretary considers necessary; and

(2) provide for payment of the cost of the bond from funds for carrying out the purposes of this subchapter.

(f) In the absence of gross negligence or intent to defraud the United States, an individual designated by the Secretary, or designated under an agreement, as a certifying official is not liable for the payment of compensation certified by him under this subchapter.

(g) In the absence of gross negligence or intent to defraud the United States, a disbursing official is not liable for a payment by him under this subchapter if it was based on a voucher signed by a certifying official designated as provided by subsection (f) of this section.

(h) For the purpose of payments made to a State under subchapter III of chapter 7 of title 42, administration by a State agency under an agreement is deemed a part of the administration of the State unemployment compensation statute.

§ 8506. Dissemination of information

(a) Each agency of the United States, wholly or partially owned instrumentality of the United States, Federal land bank, Federal intermediate credit bank, and bank for cooperatives shall make available to State agencies which have agreements under this subchapter, or to the Secretary of Labor, as the case may be, such information concerning the Federal service and Federal wages of a Federal employee as the Secretary considers practicable and necessary for the determination of the entitlement of the Federal employee to compensation under this subchapter. The information shall include the findings of the employing agency concerning—

(1) whether or not the Federal employee has performed Federal service;

(2) the periods of Federal service;

(3) the amount of Federal wages; and

(4) the reasons for termination of Federal service.

The employing agency shall make the findings in the form and manner prescribed by regulations of the Secretary. The regulations shall include provision for correction by the employing agency of errors and

1 omissions. Findings made in accordance with the regulations are
 2 final and conclusive for the purpose of sections 8502(d) and 8503(c)
 3 of this title. This subsection does not apply with respect to Federal
 4 service and Federal wages covered by subchapter II of this chapter.

5 (b) The agency administering the unemployment compensation
 6 statute of a State shall furnish the Secretary such information as he
 7 considers necessary or appropriate in carrying out this subchapter.
 8 The information is deemed the report required by the Secretary for
 9 the purpose of section 503(a)(6) of title 42.

10 **§ 8507. False statements and misrepresentations**

11 (a) If a State agency, the Secretary of Labor, or a court of com-
 12 petent jurisdiction finds that an individual—

13 (1) knowingly has made, or caused to be made by another, a
 14 false statement or representation of a material fact, or knowingly
 15 has failed, or caused another to fail, to disclose a material fact;
 16 and

17 (2) as a result of that action has received an amount as com-
 18 pensation under this subchapter to which he was not entitled;
 19 the individual shall repay the amount to the State agency or the Secre-
 20 tary. Instead of requiring repayment under this subsection, the State
 21 agency or the Secretary may recover the amount by deductions from
 22 compensation payable to the individual under this subchapter during
 23 the 2-year period after the date of the finding. A finding by a State
 24 agency or the Secretary may be made only after an opportunity for a
 25 fair hearing, subject to such further review as may be appropriate
 26 under sections 8502(d) and 8503(c) of this title.

27 (b) An amount repaid under subsection (a) of this section shall
 28 be—

29 (1) deposited in the fund from which payment was made, if
 30 the repayment was to a State agency; or

31 (2) returned to the Treasury of the United States and credited
 32 to the current applicable appropriation, fund, or account from
 33 which payment was made, if the repayment was to the Secretary.

34 **§ 8508. Regulations**

35 The Secretary of Labor may prescribe rules and regulations neces-
 36 sary to carry out this subchapter and subchapter II of this chapter.
 37 The Secretary, insofar as practicable, shall consult with representa-
 38 tives of the State unemployment compensation agencies before pre-
 39 scribing rules or regulations which may affect the performance by the
 40 State agencies of functions under agreements under this subchapter.

SUBCHAPTER II—EX-SERVICEMEN

§ 8521. Definitions; application

(a) For the purpose of this subchapter—

(1) “Federal service” means active service, including active duty for training purposes, in the armed forces which either began after January 31, 1955, or terminated after October 27, 1958, if—

(A) that service was continuous for 90 days or more, or was terminated earlier because of an actual service-incurred injury or disability; and

(B) with respect to that service, the individual—

(i) was discharged or released under conditions other than dishonorable; and

(ii) was not given a bad conduct discharge, or, if an officer, did not resign for the good of the service; and

(2) “Federal wages” means all pay and allowances, in cash and in kind, for Federal service, computed on the basis of the pay and allowances for the pay grade of the individual at the time of his latest discharge or release from Federal service as specified in the schedule applicable at the time he files his first claim for compensation for the benefit year. The Secretary of Labor shall issue, from time to time, after consultation with the Secretary of Defense, schedules specifying the pay and allowances for each pay grade of servicemen covered by this subchapter, which reflect representative amounts for appropriate elements of the pay and allowances whether in cash or in kind.

(b) The provisions of subchapter I of this chapter, subject to the modifications made by this subchapter, apply to individuals who have had Federal service as defined by subsection (a) of this section.

§ 8522. Assignment of Federal service and wages

Notwithstanding section 8504 of this title, Federal service and Federal wages not previously assigned shall be assigned to the State or to the Virgin Islands, as the case may be, in which the claimant first files claim for unemployment compensation after his latest discharge or release from Federal service. This assignment is deemed an assignment under section 8504 of this title for the purpose of this subchapter.

§ 8523. Dissemination of information

(a) When designated by the Secretary of Labor, an agency of the United States shall make available to the appropriate State agency or to the Secretary, as the case may be, such information, including findings in the form and manner prescribed by regulations of the Secre-

1 tary, as the Secretary considers practicable and necessary for the
2 determination of the entitlement of an individual to compensation
3 under this subchapter.

4 (b) Subject to correction of errors and omissions as prescribed
5 by regulations of the Secretary, the following are final and conclusive
6 for the purpose of sections 8502(d) and 8503(c) of this title:

7 (1) Findings by an agency of the United States made in accord-
8 ance with subsection (a) of this section with respect to—

9 (A) whether or not an individual has met any condition
10 specified by section 8521(a) (1) of this title;

11 (B) the periods of Federal service; and

12 (C) the pay grade of the individual at the time of his
13 latest discharge or release from Federal service.

14 (2) The schedules of pay and allowances prescribed by the
15 Secretary under section 8521(a) (2) of this title.

16 § 8524. Accrued leave

17 For the purpose of this subchapter, a payment for unused accrued
18 leave under section 501(b) of title 37 at the termination of Federal
19 service is deemed—

20 (1) to continue that Federal service during the period after the
21 termination with respect to which the individual received the
22 payment; and

23 (2) Federal wages, subject to regulations prescribed by the
24 Secretary of Labor concerning allocation over the period after
25 termination.

26 § 8525. Effect on other statutes

27 (a) An individual eligible to receive a mustering-out payment under
28 chapter 43 of title 38 is not entitled to compensation under this sub-
29 chapter with respect to weeks of unemployment completed—

30 (1) within 30 days after his discharge or release if he receives
31 \$100 in mustering-out payments;

32 (2) within 60 days after his discharge or release if he receives
33 \$200 in mustering-out payments; or

34 (3) within 90 days after his discharge or release if he receives
35 \$300 in mustering-out payments.

36 (b) An individual is not entitled to compensation under this sub-
37 chapter for any period with respect to which he receives—

38 (1) an education and training allowance under section 1632(a)-
39 (d) of title 38;

40 (2) a subsistence allowance under chapter 31 of title 38 or under
41 part VIII of Veterans Regulation Numbered 1(a); or

(3) an educational assistance allowance under chapter 35 of title 38.

(c) An individual——

(1) who meets the wage and employment requirements for compensation under the statute of the State to which his Federal service and Federal wages have been assigned (or, in the case of the Commonwealth of Puerto Rico and the Virgin Islands, the statute of the District of Columbia) but would not meet the requirements except by the use of the Federal service and Federal wages; or

(2) whose weekly unemployment compensation computed according to the statute of the State (or the statute of the District of Columbia, as the case may be) is increased by the use of the Federal service and Federal wages;

is not thereafter entitled to unemployment compensation under subchapter I of chapter 41 of title 38.

CHAPTER 87—LIFE INSURANCE

Sec.

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§ 8701. Definition

(a) For the purpose of this chapter, "employee" means——

(1) an employee as defined by section 2105 of this title;

(2) a Member of Congress as defined by section 2106 of this title;

(3) a Congressional employee as defined by section 2107 of this title;

(4) the President;

(5) an individual employed by the government of the District of Columbia;

(6) an individual employed by Gallaudet College;

(7) a United States commissioner to whom subchapter III of chapter 83 of this title applies by operation of section 8331(1)(E) of this title;

1 (8) an individual employed by a county committee established
2 under section 590h(b) of title 16; and

3 (9) an individual appointed to a position on the office staff of a
4 former President under section 1(b) of the Act of August 25,
5 1958 (72 Stat. 838);

6 but does not include—

7 (A) an employee of a corporation supervised by the Farm
8 Credit Administration if private interests elect or appoint a
9 member of the board of directors;

10 (B) a noncitizen employee whose permanent duty station is
11 outside the United States; or

12 (C) an employee excluded by regulation of the Civil Service
13 Commission under section 8716(b) of this title.

14 (b) Notwithstanding subsection (a) of this section, the employ-
15 ment of a teacher in the recess period between two school years in a
16 position other than a teaching position in which he served immedi-
17 ately before the recess period does not qualify the individual as an
18 employee for the purpose of this chapter. For the purpose of this
19 subsection, “teacher” and “teaching position” have the meanings given
20 them by section 901 of title 20.

21 **§ 8702. Automatic coverage**

22 (a) An employee is automatically insured on the date he becomes
23 eligible for insurance and each policy of insurance purchased by the
24 Civil Service Commission under this chapter shall provide for that
25 automatic coverage.

26 (b) An employee desiring not to be insured shall give written notice
27 to his employing office on a form prescribed by the Commission. If
28 the notice is received before he has become insured, he shall not be
29 insured. If the notice is received after he has become insured, his
30 insurance stops at the end of the pay period in which the notice is
31 received.

32 **§ 8703. Benefit certificate**

33 The Civil Service Commission shall arrange to have each insured
34 employee receive a certificate setting forth the benefits to which he is
35 entitled, to whom the benefits are payable, to whom the claims shall be
36 submitted, and summarizing the provisions of the policy principally
37 affecting him. The certificate is issued instead of the certificate which
38 the insurance company would otherwise be required to issue.

39 **§ 8704. Group insurance; amounts**

40 (a) An employee eligible for insurance is entitled to be insured for
41 an amount of group life insurance approximating his annual pay not

- 1 exceeding \$20,000 plus an equal amount of group accidental death and
 2 dismemberment insurance, in accordance with the following schedule:

If annual pay is—		The amount of group life insur- ance is—	The amount of group accidental death and dis- memberment insurance is—
Greater than—	But not greater than—		
0.....	\$1,000.....	\$1,000	\$1,000
\$1,000.....	2,000.....	2,000	2,000
\$2,000.....	3,000.....	3,000	3,000
\$3,000.....	4,000.....	4,000	4,000
\$4,000.....	5,000.....	5,000	5,000
\$5,000.....	6,000.....	6,000	6,000
\$6,000.....	7,000.....	7,000	7,000
\$7,000.....	8,000.....	8,000	8,000
\$8,000.....	9,000.....	9,000	9,000
\$9,000.....	10,000.....	10,000	10,000
\$10,000.....	11,000.....	11,000	11,000
\$11,000.....	12,000.....	12,000	12,000
\$12,000.....	13,000.....	13,000	13,000
\$13,000.....	14,000.....	14,000	14,000
\$14,000.....	15,000.....	15,000	15,000
\$15,000.....	16,000.....	16,000	16,000
\$16,000.....	17,000.....	17,000	17,000
\$17,000.....	18,000.....	18,000	18,000
\$18,000.....	19,000.....	19,000	19,000
\$19,000.....	.....	20,000	20,000

- 3 (b) Subject to the conditions and limitations approved by the Civil
 4 Service Commission which are contained in the policy purchased by
 5 the Commission, the group accidental death and dismemberment in-
 6 surance provides payment as follows:

Loss	Amount payable
For loss of life.....	Full amount shown in the schedule in subsection (a) of this section.
Loss of one hand or of one foot or loss of sight of one eye.	One-half the amount shown in the sched- ule in subsection (a) of this section.
Loss of two or more such members.....	Full amount shown in the schedule in subsection (a) of this section.

- 7 For any one accident the aggregate amount of group accidental death
 8 and dismemberment insurance that may be paid may not exceed the
 9 amount shown in the schedule in subsection (a) of this section.

- 10 (c) The Commission shall prescribe regulations providing for the
 11 conversion of other than annual rates of pay to annual rates of pay
 12 and shall specify the types of pay included in annual pay.

- 13 (d) In determining the amount of insurance to which an employee
 14 is entitled—

- 15 (1) a change in rate of pay under section 5337 of this title is
 16 deemed effective as of the first day of the pay period after the
 17 pay period in which the payroll change is approved; and

- 18 (2) a change in rate of pay under section 5343 of this title is
 19 deemed effective as of the date of issuance of the order granting
 20 the increase or the effective date of the increase, whichever is
 21 later.

1 **§ 8705. Death claims ; order of precedence ; escheat**

2 (a) The amount of group life insurance and group accidental death
3 insurance in force on an employee at the date of his death shall be
4 paid, on the establishment of a valid claim, to the person or persons
5 surviving at the date of his death, in the following order of prece-
6 dence :

7 First, to the beneficiary or beneficiaries designated by the em-
8 ployee in a writing received in the employing office before death.

9 Second, if there is no designated beneficiary, to the widow or
10 widower of the employee.

11 Third, if none of the above, to the child or children of the em-
12 ployee and descendants of deceased children by representation.

13 Fourth, if none of the above, to the parents of the employee or
14 the survivor of them.

15 Fifth, if none of the above, to the duly appointed executor or
16 administrator of the estate of the employee.

17 Sixth, if none of the above, to other next of kin of the employee
18 entitled under the laws of the domicile of the employee at the date
19 of his death.

20 (b) If, within 1 year after the death of the employee, no claim for
21 payment has been filed by a person entitled under the order of prece-
22 dence named by subsection (a) of this section, or if payment to the
23 person within that period is prohibited by Federal statute or regula-
24 tion, payment may be made in the order of precedence as if the person
25 had predeceased the employee, and the payment bars recovery by any
26 other person.

27 (c) If, within 2 years after the death of the employee, no claim
28 for payment has been filed by a person entitled under the order of
29 precedence named by subsection (a) of this section, and neither the
30 Civil Service Commission nor the administrative office established by
31 the company concerned pursuant to section 8709(b) of this title has
32 received notice that such a claim will be made, payment may be made
33 to the claimant who in the judgment of the Commission is equitably
34 entitled thereto, and the payment bars recovery by any other person.

35 (d) If, within 4 years after the death of the employee, payment
36 has not been made under this section and no claim for payment by a
37 person entitled under this section is pending, the amount payable
38 escheats to the credit of the Employees' Life Insurance Fund.

39 **§ 8706. Termination of insurance**

40 (a) A policy purchased under this chapter shall contain a provision,
41 approved by the Civil Service Commission, to the effect that insurance

1 on an employee stops on his separation from the service or 12 months
 2 after discontinuance of his pay, whichever is earlier, subject to a pro-
 3 vision for temporary extension of life insurance coverage and for con-
 4 version to an individual policy of life insurance under conditions
 5 approved by the Commission.

6 (b) If on the date the insurance would otherwise stop the employee
 7 retires on an immediate annuity and—

8 (1) his retirement is for disability; or

9 (2) he has completed 12 years of creditable service as deter-
 10 mined by the Commission;

11 his life insurance only may be continued, without cost to him, under
 12 conditions determined by the Commission. Periods of honorable,
 13 active service in the armed forces shall be credited toward the re-
 14 quired 12 years if the employee has completed at least 5 years of
 15 civilian service. The amount of life insurance continued under this
 16 subsection shall be reduced by 2 percent at the end of each full calen-
 17 dar month after the date the employee becomes 65 years of age or
 18 retires, whichever is later. The Commission may prescribe minimum
 19 amounts, not less than 25 percent of the amount of life insurance in
 20 force before the first reduction, to which the insurance may be reduced.

21 (c) If on the date the insurance would otherwise stop the employee
 22 is receiving benefits under subchapter I of chapter 81 of this title
 23 because of disease or injury to himself, his life insurance only may
 24 be continued, without cost to him, under conditions determined by
 25 the Commission while he is receiving the benefits and is held by the
 26 Department of Labor to be unable to return to duty.

27 (d) The insurance granted to an employee stops, except for a 31-day
 28 extension of life insurance coverage, on the day immediately before
 29 his entry on active duty or active duty for training unless the period
 30 of duty is covered by military leave with pay. The insurance does not
 31 stop during a period of inactive duty training. For the purpose of
 32 this subsection, the terms “active duty”, “active duty for training”, and
 33 “inactive duty training” have the meanings given them by section 101
 34 of title 38.

35 § 8707. Employee deductions; withholding

36 During each period in which an employee is insured under a policy
 37 of insurance purchased by the Civil Service Commission under section
 38 8709 of this title, an amount determined by the Commission shall be
 39 withheld from the pay of the employee as his share of the cost of his
 40 group life and accidental death and dismemberment insurance. The
 41 amount may not exceed the rate of 25 cents biweekly for each \$1,000

1 of his group life insurance. The amount withheld from an employee
2 paid on other than a biweekly basis is determined at a proportional
3 rate adjusted to the nearest cent.

4 **§ 8708. Government contributions**

5 (a) For each period in which an employee is insured under a policy
6 of insurance purchased by the Civil Service Commission under section
7 8709 of this title, a sum computed at a rate determined by the Com-
8 mission shall be contributed from the appropriation or fund which
9 is used to pay him. The sum may not exceed one-half the amount
10 which is withheld from the pay of the employee under section 8707
11 of this title.

12 (b) When an employee is paid by the Clerk of the House of Repre-
13 sentatives, the Clerk may contribute the sum required by subsection
14 (a) of this section from the contingent fund of the House.

15 (c) When the employee is an elected official, the sum required by
16 subsection (a) of this section is contributed from an appropriation
17 or fund available for payment of other salaries of the same office or
18 establishment.

19 **§ 8709. Insurance policies**

20 (a) The Civil Service Commission, without regard to section 5 of
21 title 41, may purchase from one or more life insurance companies a
22 policy or policies of group life and accidental death and dismember-
23 ment insurance to provide the benefits specified by this chapter. A
24 company must meet the following requirements:

25 (1) It must be licensed to transact life and accidental death and
26 dismemberment insurance under the laws of 48 of the States and
27 the District of Columbia.

28 (2) It must have in effect, on the most recent December 31 for
29 which information is available to the Commission, an amount of
30 employee group life insurance equal to at least 1 percent of the
31 total amount of employee group life insurance in the United
32 States in all life insurance companies.

33 (b) A company issuing a policy under subsection (a) of this sec-
34 tion shall establish an administrative office under a name approved
35 by the Commission.

36 (c) The Commission at any time may discontinue a policy pur-
37 chased from a company under subsection (a) of this section.

38 **§ 8710. Reinsurance**

39 (a) The Civil Service Commission shall arrange with a company
40 issuing a policy under this chapter for the reinsurance, under con-
41 ditions approved by the Commission, of portions of the total amount

1 of insurance under the policy, determined under this section, with
2 other life insurance companies which elect to participate in the
3 reinsurance.

4 (b) The Commission shall determine for and in advance of a policy
5 year which companies are eligible to participate as reinsurers and the
6 amount of insurance under a policy which is to be allocated to the
7 issuing company and to reinsurers. The Commission shall make this
8 determination at least every 3 years and when a participating com-
9 pany withdraws.

10 (c) The Commission shall establish a formula under which the
11 amount of insurance retained by an issuing company after ceding re-
12 insurance, and the amount of reinsurance ceded to each reinsurer, is
13 in proportion to the total amount of each company's group life insur-
14 ance, excluding insurance purchased under this chapter, in force in
15 the United States on the determination date, which is the most recent
16 December 31 for which information is available to the Commission.
17 In determining the proportions, the portion of a company's group life
18 insurance in force on the determination date in excess of \$100,000,000
19 shall be reduced by—

- 20 (1) 25 percent of the first \$100,000,000 of the excess;
21 (2) 50 percent of the second \$100,000,000 of the excess;
22 (3) 75 percent of the third \$100,000,000 of the excess; and
23 (4) 95 percent of the remaining excess.

24 However, the amount retained by or ceded to a company may not
25 exceed 25 percent of the amount of the company's total life insurance
26 in force in the United States on the determination date.

27 (d) A fraternal benefit association which is—

28 (1) licensed to transact life insurance under the laws of a
29 State or the District of Columbia; and

30 (2) engaged in issuing insurance certificates on the lives of
31 employees of the United States exclusively;

32 is eligible to act as a reinsuring company and may be allocated an
33 amount of reinsurance equal to 25 percent of its total life insurance
34 in force on employees of the United States on the determination date
35 named by subsection (c) of this section.

36 (e) An issuing company or reinsurer is entitled, as a minimum, to
37 be allocated an amount of insurance under the policy equal to any
38 reduction from December 31, 1953, to the determination date, in the
39 amount of the company's group life insurance under policies issued
40 to associations of employees of the United States. However, any in-
41 crease under this subsection in the amount allocated is reduced by the

1 amount in force on the determination date of any policy covering life
2 insurance agreements assumed by the Commission.

3 (f) The Commission may modify the computations under this sec-
4 tion as necessary to carry out the intent of this section.

5 **§ 8711. Basic tables of premium rates**

6 (a) A policy purchased under this chapter shall include, for the
7 first policy year, basic tables of premium rates as follows:

8 (1) For group life insurance, a schedule of basic premium
9 rates by age which the Civil Service Commission determines to be
10 consistent with the lowest schedule of basic premium rates gener-
11 ally charged for new group life insurance policies issued to large
12 employers.

13 (2) For group accidental death and dismemberment insurance,
14 a basic premium rate which the Commission determines is con-
15 sistent with the lowest rate generally charged for new group
16 accidental death and dismemberment policies issued to large em-
17 ployers.

18 The schedule for group life insurance, except as otherwise provided
19 by this section, shall be applied to the distribution by age of the
20 amounts of group life insurance under the policy at its date of issuance
21 to determine an average basic premium rate per \$1,000 of life insur-
22 ance.

23 (b) The policy shall provide that the basic premium rates de-
24 termined for the first policy year continue for later policy years
25 except as readjusted for a later year based on experience under
26 the policy. The company issuing the policy may make the readjust-
27 ment on a basis that the Commission determines in advance of the
28 policy year is consistent with the general practice of life insurance
29 companies under policies of group life and group accidental death
30 and dismemberment insurance issued to large employers.

31 (c) The policy shall provide that if the Commission determines
32 that ascertaining the actual age distribution of the amounts of group
33 life insurance in force at the date of issue of the policy or at the end
34 of the first or any later year of insurance thereunder would not
35 be possible except at a disproportionately high expense, the Commis-
36 sion may approve the determination of a tentative average group life
37 premium rate, for the first or any later policy year, instead of
38 using the actual age distribution. The Commission, on request by the
39 company issuing the policy, shall redetermine the tentative average
40 premium rate during any policy year, if experience indicates that the

assumptions made in determining that rate were incorrect for that year.

(d) The policy shall stipulate the maximum expense and risk charges for the first policy year. The Commission shall determine these charges on a basis consistent with the general level of charges made by life insurance companies under policies of group life and accidental death and dismemberment insurance issued to large employers. The maximum charges continue from year to year, except that the Commission may redetermine them for any year either by agreement with the company issuing the policy or on written notice given to the company at least 1 year before the beginning of the year for which the redetermined maximum charges will be effective.

§ 8712. Annual accounting; special contingency reserve

A policy purchased under this chapter shall provide for an accounting to the Civil Service Commission not later than 90 days after the end of each policy year. The accounting shall set forth, in a form approved by the Commission—

(1) the amounts of premiums actually accrued under the policy from its date of issue to the end of the policy year;

(2) the total of all mortality and other claim charges incurred for that period; and

(3) the amounts of the insurers' expense and risk charges for that period.

An excess of the total of paragraph (1) of this section over the sum of paragraphs (2) and (3) of this section shall be held by the company issuing the policy as a special contingency reserve to be used by the company only for charges under the policy. The reserve shall bear interest at a rate determined in advance of each policy year by the company and approved by the Commission as being consistent with the rates generally used by the company for similar funds held under other group life insurance policies. When the Commission determines that the special contingency reserve has attained an amount estimated by it to make satisfactory provision for adverse fluctuations in future charges under the policy, any further excess shall be deposited in the Treasury of the United States to the credit of the Employees' Life Insurance Fund. When a policy is discontinued, any balance remaining in the special contingency reserve after all charges have been made shall be deposited in the Treasury to the credit of the Fund. The company may make the deposit in equal monthly installments over a period of not more than 2 years.

1 **§ 8713. Advisors**

2 (a) There is an Advisory Council on Group Insurance consisting of
3 the Secretary of the Treasury as Chairman, the Secretary of Labor,
4 and the Director of the Bureau of the Budget. The Council mem-
5 bers serve without additional pay. The Council shall—

6 (1) meet once a year, or oftener as called by the Civil Service
7 Commission;

8 (2) review the operations under this chapter; and

9 (3) advise the Commission on matters of policy relating to its
10 activities thereunder.

11 (b) The Chairman of the Commission shall appoint a committee
12 composed of five employees insured under this chapter, who serve
13 without additional pay, to advise the Commission regarding matters
14 of concern to employees under this chapter.

15 **§ 8714. Employees' Life Insurance Fund**

16 (a) The amounts withheld from employees under section 8707 of
17 this title and the sums contributed from appropriations and funds
18 under section 8708 of this title shall be deposited in the Treasury of
19 the United States to the credit of the Employees' Life Insurance Fund.
20 The Fund is available without fiscal year limitation for—

21 (1) premium payments under an insurance policy purchased
22 under this chapter; and

23 (2) expenses incurred by the Civil Service Commission in the
24 administration of this chapter within the limitations that may
25 be specified annually by appropriation acts.

26 (b) The Secretary of the Treasury may invest and reinvest any of
27 the money in the Fund in interest-bearing obligations of the United
28 States, and may sell these obligations for the purposes of the Fund.
29 The interest on and the proceeds from the sale of these obligations,
30 and the income derived from dividend or premium rate adjustments
31 from insurers, become a part of the Fund.

32 **§ 8715. Jurisdiction of courts**

33 The district courts of the United States have original jurisdiction,
34 concurrent with the Court of Claims, of a civil action or claim against
35 the United States founded on this chapter.

36 **§ 8716. Regulations**

37 (a) The Civil Service Commission may prescribe regulations neces-
38 sary to carry out the purposes of this chapter.

39 (b) The regulations of the Commission may prescribe the time at
40 which and the conditions under which an employee is eligible for
41 coverage under this chapter. The Commission, after consulting the

head of the agency or other employing authority concerned, may exclude an employee on the basis of the nature and type of his employment or conditions pertaining to it, such as short-term appointment, seasonal, intermittent or part-time employment, and employment of like nature. The Commission may not exclude—

(1) an employee or group of employees solely on the basis of the hazardous nature of employment; or

(2) a teacher in the employ of the Board of Education of the District of Columbia, whose pay is fixed by section 1501 of title 31, District of Columbia Code, on the basis of the fact that the teacher is serving under a temporary appointment if the teacher has been so employed by the Board for a period or periods totaling not less than two school years.

(c) The Secretary of Agriculture shall prescribe regulations to effect the application and operation of this chapter to an individual named by section 8701(a)(8) of this title.

CHAPTER 89—HEALTH INSURANCE

Sec.

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§ 8901. Definitions

For the purpose of this chapter—

(1) “employee” means—

(A) an employee as defined by section 2105 of this title;

(B) a Member of Congress as defined by section 2106 of this title;

(C) a Congressional employee as defined by section 2107 of this title;

(D) the President;

(E) an individual employed by the government of the District of Columbia;

(F) an individual employed by Gallaudet College;

(G) a United States commissioner to whom subchapter III of chapter 83 of this title applies by operation of section 8331(1)(E) of this title; and

1 (H) an individual employed by a county committee
2 established under section 590h(b) of title 16;

3 but does not include—

4 (i) an employee of a corporation supervised by the Farm
5 Credit Administration if private interests elect or appoint a
6 member of the board of directors;

7 (ii) a noncitizen employee whose permanent duty station
8 is outside the United States;

9 (iii) an employee of the Tennessee Valley Authority; or

10 (iv) an employee excluded by regulation of the Civil Serv-
11 ice Commission under section 8913(b) of this title;

12 (2) “Government” means the Government of the United States
13 and the government of the District of Columbia;

14 (3) “annuitant” means—

15 (A) an employee who retires on an immediate annuity un-
16 der subchapter III of chapter 83 of this title or another re-
17 tirement system for employees of the Government, after 12
18 or more years of service or for disability;

19 (B) a member of a family who receives an immediate
20 annuity as the survivor of a retired employee described by
21 subparagraph (A) of this paragraph or of an employee who
22 dies after completing 5 or more years of service;

23 (C) an employee who receives monthly compensation un-
24 der subchapter I of chapter 81 of this title and who is deter-
25 mined by the Secretary of Labor to be unable to return to
26 duty; and

27 (D) a member of a family who receives monthly com-
28 pensation under subchapter I of chapter 81 of this title as
29 the surviving beneficiary of—

30 (i) an employee who, having completed 5 or more
31 years of service, dies as a result of injury or illness com-
32 pensable under that subchapter; or

33 (ii) a former employee who is separated after having
34 completed 5 or more years of service and who dies while
35 receiving monthly compensation under that subchapter
36 and who has been held by the Secretary to have been
37 unable to return to duty;

38 (4) “service”, as used by paragraph (3) of this section, means
39 service which is creditable under subchapter III of chapter 83
40 of this title;

(5) "member of family" means the spouse of an employee or annuitant and an unmarried child under 21 years of age, including—

(A) an adopted child; and

(B) a stepchild, foster child, or recognized natural child who lives with the employee or annuitant in a regular parent-child relationship;

or such an unmarried child regardless of age who is incapable of self-support because of mental or physical disability which existed before age 21;

(6) "health benefits plan" means a group insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar group arrangement provided by a carrier for the purpose of providing, paying for, or reimbursing expenses for health services;

(7) "carrier" means a voluntary association, corporation, partnership, or other nongovernmental organization which is lawfully engaged in providing, paying for, or reimbursing the cost of, health services under group insurance policies or contracts, medical or hospital service agreements, membership or subscription contracts, or similar group arrangements, in consideration of premiums or other periodic charges payable to the carrier, including a health benefits plan duly sponsored or underwritten by an employee organization; and

(8) "employee organization" means an association or other organization of employees which is national in scope, or in which membership is open to all employees of a Government agency who are eligible to enroll in a health benefits plan under this chapter, and which, before January 1, 1964, applied to the Commission for approval of a plan provided under section 8903(3) of this title.

§ 8902. Contracting authority

(a) The Civil Service Commission may contract with qualified carriers offering plans described by section 8903 of this title, without regard to section 5 of title 41 or other statute requiring competitive bidding. Each contract shall be for a uniform term of at least 1 year, but may be made automatically renewable from term to term in the absence of notice of termination by either party.

(b) To be eligible as a carrier for the plan described by section 8903(2) of this title, a company must be licensed to issue group health insurance in all the States and the District of Columbia.

1 (c) A contract for a plan described by section 8903(1) or (2) of
2 this title shall require the carrier—

3 (1) to reinsure with other companies which elect to participate,
4 under an equitable formula based on the total amount of their
5 group health insurance benefit payments in the United States
6 during the latest year for which the information is available, to
7 be determined by the carrier and approved by the Commission; or

8 (2) to allocate its rights and obligations under the contract
9 among its affiliates which elect to participate, under an equitable
10 formula to be determined by the carrier and the affiliates and
11 approved by the Commission.

12 (d) Each contract under this chapter shall contain a detailed
13 statement of benefits offered and shall include such maximums, limi-
14 tations, exclusions, and other definitions of benefits as the Commission
15 considers necessary or desirable.

16 (e) The Commission may prescribe reasonable minimum standards
17 for health benefits plans described by section 8903 of this title and
18 for carriers offering the plans. Approval of a plan may be withdrawn
19 only after notice and opportunity for hearing to the carrier concerned
20 without regard to subchapter II of chapter 5 and chapter 7 of this
21 title. The Commission may terminate the contract of a carrier effec-
22 tive at the end of the contract term, if the Commission finds that at
23 no time during the preceding two contract terms did the carrier have
24 300 or more employees and annuitants, exclusive of family members,
25 enrolled in the plan.

26 (f) A contract may not be made or a plan approved which excludes
27 an individual because of race, sex, health status, or, at the time of the
28 first opportunity to enroll, because of age.

29 (g) A contract may not be made or a plan approved which does
30 not offer to each employee or annuitant whose enrollment in the plan
31 is ended, except by a cancellation of enrollment, a temporary extension
32 of coverage during which he may exercise the option to convert, with-
33 out evidence of good health, to a nongroup contract providing health
34 benefits. An employee or annuitant who exercises this option shall
35 pay the full periodic charges of the nongroup contract.

36 (h) The benefits and coverage made available under subsection (g)
37 of this section are noncancelable by the carrier except for fraud, over-
38 insurance, or nonpayment of periodic charges.

39 (i) Rates charged under health benefits plans described by section
40 8903 of this title shall reasonably and equitably reflect the cost of the
41 benefits provided. Rates under health benefits plans described by sec-

tion 8903 (1) and (2) of this title shall be determined on a basis which, in the judgment of the Commission, is consistent with the lowest schedule of basic rates generally charged for new group health benefit plans issued to large employers. The rates determined for the first contract term shall be continued for later contract terms, except that they may be readjusted for any later term, based on past experience and benefit adjustments under the later contract. Any readjustment in rates shall be made in advance of the contract term in which they will apply and on a basis which, in the judgment of the Commission, is consistent with the general practice of carriers which issue group health benefit plans to large employers.

§ 8903. Health benefits plans

The Civil Service Commission may contract for or approve the following health benefits plans:

(1) **SERVICE BENEFIT PLAN.**—One Government-wide plan, offering two levels of benefits, under which payment is made by a carrier under contracts with physicians, hospitals, or other providers of health services for benefits of the types described by section 8904(1) of this title given to employees or annuitants, or members of their families, or, under certain conditions, payment is made by a carrier to the employee or annuitant or member of his family.

(2) **INDEMNITY BENEFIT PLAN.**—One Government-wide plan, offering two levels of benefits, under which a carrier agrees to pay certain sums of money, not in excess of the actual expenses incurred, for benefits of the types described by section 8904(2) of this title.

(3) **EMPLOYEE ORGANIZATION PLANS.**—Employee organization plans which offer benefits of the types referred to by section 8904 (3) of this title, which are sponsored or underwritten, and are administered, in whole or substantial part, by employee organizations, which are available only to individuals, and members of their families, who at the time of enrollment are members of the organization.

(4) **COMPREHENSIVE MEDICAL PLANS.**—

(A) **GROUP-PRACTICE PREPAYMENT PLANS.**—Group-practice prepayment plans which offer health benefits of the types referred to by section 8904(4) of this title, in whole or in substantial part on a prepaid basis, with professional services thereunder provided by physicians practicing as a group in a common center or centers. The group shall include phy-

sicians representing at least three major medical specialties who receive all or a substantial part of their professional income from the prepaid funds.

(B) **INDIVIDUAL-PRACTICE PREPAYMENT PLANS.**—Individual-practice prepayment plans which offer health services in whole or substantial part on a prepaid basis, with professional services thereunder provided by individual physicians who agree, under certain conditions approved by the Commission, to accept the payments provided by the plans as full payment for covered services given by them including, in addition to in-hospital services, general care given in their offices and the patients' homes, out-of-hospital diagnostic procedures, and preventive care, and which plans are offered by organizations which have successfully operated similar plans before approval by the Commission of the plan in which employees may enroll.

§ 8904. Types of benefits

The benefits to be provided under plans described by section 8903 of this title may be of the following types:

(1) SERVICE BENEFIT PLAN.—

- (A) Hospital benefits.
- (B) Surgical benefits.
- (C) In-hospital medical benefits.
- (D) Ambulatory patient benefits.
- (E) Supplemental benefits.
- (F) Obstetrical benefits.

(2) INDEMNITY BENEFIT PLAN.—

- (A) Hospital care.
- (B) Surgical care and treatment.
- (C) Medical care and treatment.
- (D) Obstetrical benefits.
- (E) Prescribed drugs, medicines, and prosthetic devices.
- (F) Other medical supplies and services.

(3) **EMPLOYEE ORGANIZATION PLANS.**—Benefits of the types named under paragraph (1) or (2) of this section or both.

(4) **COMPREHENSIVE MEDICAL PLANS.**—Benefits of the types named under paragraph (1) or (2) of this section or both.

All plans contracted for under paragraphs (1) and (2) of this section shall include benefits both for costs associated with care in a general hospital and for other health services of a catastrophic nature.

1 **§ 8905. Election of coverage**

2 (a) An employee may enroll in an approved health benefits plan
3 described by section 8903 of this title either as an individual or for
4 self and family.

5 (b) An annuitant who at the time he becomes an annuitant was
6 enrolled in a health benefits plan under this chapter—

7 (1) as an employee for a period of not less than—

8 (A) the 5 years of service immediately before retirement;

9 (B) the full period or periods of service between the last
10 day of the first period, as prescribed by regulations of the
11 Civil Service Commission, in which he is eligible to enroll in
12 the plan and the date on which he becomes an annuitant; or

13 (C) the full period or periods of service beginning with
14 the enrollment which became effective before January 1, 1965,
15 and ending with the date on which he becomes an annuitant;
16 whichever is shortest; or

17 (2) as a member of the family of an employee or annuitant;
18 may continue his enrollment under the conditions of eligibility pre-
19 scribed by regulations of the Commission.

20 (c) If an employee has a spouse who is an employee, either spouse,
21 but not both, may enroll for self and family, or each spouse may enroll
22 as an individual. However, an individual may not be enrolled both
23 as an employee or annuitant and as a member of the family.

24 (d) An employee or annuitant enrolled in a health benefits plan
25 under this chapter may change his coverage or that of himself and
26 members of his family by an application filed within 60 days after a
27 change in family status or at other times and under conditions pre-
28 scribed by regulations of the Commission.

29 (e) An employee or annuitant may transfer his enrollment from a
30 health benefits plan described by section 8903 of this title to another
31 plan described by that section at the times and under the conditions
32 prescribed by regulations of the Commission.

33 **§ 8906. Contributions**

34 (a) Except as provided by subsection (b) of this section, the Gov-
35 ernment contribution for health benefits for employees or annuitants
36 enrolled in health benefits plans under this chapter, in addition to the
37 contributions required by subsection (c) of this section, is 50 percent
38 of the lowest rates charged by a carrier for a level of benefits offered by
39 a plan under section 8903 (1) or (2) of this title, but—

40 (1) not less than \$1.25 or more than \$1.75 biweekly for an
41 employee or annuitant who is enrolled for self alone; and

1 (2) not less than \$3 or more than \$4.25 biweekly for an em-
2 ployee or annuitant who is enrolled for self and family.

3 (b) The Government contribution for an employee or annuitant
4 enrolled in a plan described by section 8903 (3) or (4) of this title for
5 which the biweekly subscription charge is less than twice the Govern-
6 ment contribution established under subsection (a) of this section, is
7 50 percent of the subscription charge.

8 (c) There shall be withheld from the pay of each enrolled employee
9 and the annuity of each enrolled annuitant and there shall be con-
10 tributed by the Government, amounts, in the same ratio as the con-
11 tributions of the employee or annuitant and the Government under
12 subsections (a) and (b) of this section, which are necessary for the
13 administrative costs and the reserves provided for by section 8909 (b)
14 of this title.

15 (d) The amount necessary to pay the total charge for enrollment,
16 after the Government contribution is deducted, shall be withheld
17 from the pay of each enrolled employee and from the annuity of each
18 enrolled annuitant. The withholding for an annuitant shall be the
19 same as that for an employee enrolled in the same health benefits
20 plan and level of benefits.

21 (e) An employee enrolled in a health benefits plan under this
22 chapter who is placed in a leave without pay status may have his
23 coverage and the coverage of members of his family continued under
24 the plan for not to exceed 1 year under regulations prescribed by the
25 Commission. The regulations may provide for the waiving of con-
26 tributions by the employee and the Government.

27 (f) The Government contributions for health benefits for an em-
28 ployee shall be paid—

29 (1) in the case of employees generally, from the appropriation
30 or fund which is used to pay the employee;

31 (2) in the case of an elected official, from an appropriation or
32 fund available for payment of other salaries of the same office
33 or establishment;

34 (3) in the case of an employee of the legislative branch who
35 is paid by the Clerk of the House of Representatives, from the
36 contingent fund of the House; and

37 (4) in the case of an employee in a leave without pay status,
38 from the appropriation or fund which would be used to pay the
39 employee if he were in a pay status.

(g) The Government contributions authorized by subsection (a) of this section for health benefits for an annuitant shall be paid from annual appropriations which are authorized to be made for that purpose.

(h) The Commission shall provide for conversion of biweekly rates of contribution specified by this section to rates for employees and annuitants paid on other than a biweekly basis, and for this purpose may provide for the adjustment of the converted rate to the nearest cent.

§ 8907. Information to employees

(a) The Civil Service Commission shall make available to each employee eligible to enroll in a health benefits plan under this chapter such information, in a form acceptable to the Commission after consultation with the carrier, as may be necessary to enable the employee to exercise an informed choice among the types of plans described by section 8903 of this title.

(b) Each employee enrolled in a health benefits plan shall be issued an appropriate document setting forth or summarizing the—

(1) services or benefits, including maximums, limitations, and exclusions, to which the employee or the employee and members of his family are entitled thereunder;

(2) procedure for obtaining benefits; and

(3) principal provisions of the plan affecting the employee or members of his family.

§ 8908. Coverage of restored employee

An employee enrolled in a health benefits plan under this chapter who is removed or suspended without pay and later reinstated or restored to duty on the ground that the removal or suspension was unjustified or unwarranted may, at his option, enroll as a new employee or have his coverage restored, with appropriate adjustments made in contributions and claims, to the same extent and effect as though the removal or suspension had not taken place.

§ 8909. Employees Health Benefits Fund

(a) There is in the Treasury of the United States an Employees Health Benefits Fund which is administered by the Civil Service Commission. The contributions of employees, annuitants, and the Government described by section 8906 of this title shall be paid into the Fund. The Fund is available—

(1) without fiscal year limitation for all payments to approved health benefits plans; and

(2) to pay expenses for administering this chapter within the limitations that may be specified annually by Congress.

(b) Portions of the contributions made by employees, annuitants, and the Government shall be regularly set aside in the Fund as follows:

(1) A percentage, not to exceed 1 percent of all contributions, determined by the Commission to be reasonably adequate to pay the administrative expenses made available by subsection (a) of this section.

(2) For each health benefits plan, a percentage, not to exceed 3 percent of the contributions toward the plan, determined by the Commission to be reasonably adequate to provide a contingency reserve.

The Commission, from time to time and in amounts it considers appropriate, may transfer unused funds for administrative expenses to the contingency reserves of the plans then under contract with the Commission. When funds are so transferred, each contingency reserve shall be credited in proportion to the total amount of the subscription charges paid and accrued to the plan for the contract term immediately before the contract term in which the transfer is made. The income derived from dividends, rate adjustments, or other refunds made by a plan shall be credited to its contingency reserve. The contingency reserves may be used to defray increases in future rates, or may be applied to reduce the contributions of employees and the Government to, or to increase the benefits provided by, the plan from which the reserves are derived, as the Commission from time to time shall determine.

(c) The Secretary of the Treasury may invest and reinvest any of the money in the Fund in interest-bearing obligations of the United States, and may sell these obligations for the purposes of the Fund. The interest on and the proceeds from the sale of these obligations become a part of the Fund.

(d) When the assets, liabilities, and membership of employee organizations sponsoring or underwriting plans approved under section 8903(3) of this title are merged, the assets (including contingency reserves) and liabilities of the plans sponsored or underwritten by the merged organizations shall be transferred at the beginning of the contract term next following the date of the merger to the plan sponsored or underwritten by the successor organization. Each employee or annuitant affected by a merger shall be transferred to the plan sponsored or underwritten by the successor organization unless he enrolls in another plan under this chapter.

(e) Except as provided by subsection (d) of this section, when a plan described by section 8903 (3) or (4) of this title is discontinued under this chapter, the contingency reserve of that plan shall be credited to the contingency reserves of the plans continuing under this chapter for the contract term following that in which termination occurs, each reserve to be credited in proportion to the amount of the subscription charges paid and accrued to the plan for the year of termination.

§ 8910. Studies, reports, and audits

(a) The Civil Service Commission shall make a continuing study of the operation and administration of this chapter, including surveys and reports on health benefits plans available to employees and on the experience of the plans.

(b) Each contract entered into under section 8902 of this title shall contain provisions requiring carriers to—

(1) furnish such reasonable reports as the Commission determines to be necessary to enable it to carry out its functions under this chapter; and

(2) permit the Commission and representatives of the General Accounting Office to examine records of the carriers as may be necessary to carry out the purposes of this chapter.

(c) Each Government agency shall keep such records, make such certifications, and furnish the Commission with such information and reports as may be necessary to enable the Commission to carry out its functions under this chapter.

§ 8911. Advisory committee

The Chairman of the Civil Service Commission shall appoint a committee composed of five members, who serve without pay, to advise the Commission regarding matters of concern to employees under this chapter. Each member of the committee shall be an employee enrolled under this chapter or an elected official of an employee organization.

§ 8912. Jurisdiction of courts

The district courts of the United States have original jurisdiction, concurrent with the Court of Claims, of a civil action or claim against the United States founded on this chapter.

§ 8913. Regulations

(a) The Civil Service Commission may prescribe regulations necessary to carry out this chapter.

1 (b) The regulations of the Commission may prescribe the time at
 2 which and the manner and conditions under which an employee is
 3 eligible to enroll in an approved health benefits plan described by
 4 section 8903 of this title. The regulations may exclude an employee
 5 on the basis of the nature and type of his employment or conditions
 6 pertaining to it, such as short-term appointment, seasonal or inter-
 7 mittent employment, and employment of like nature. The Com-
 8 mission may not exclude—

9 (1) an employee or group of employees solely on the basis of
 10 the hazardous nature of employment; or

11 (2) a teacher in the employ of the Board of Education of the
 12 District of Columbia, whose pay is fixed by section 1501 of title
 13 31, District of Columbia Code, on the basis of the fact that the
 14 teacher is serving under a temporary appointment if the teacher
 15 has been so employed by the Board for a period or periods totaling
 16 not less than two school years.

17 (c) The regulations of the Commission shall provide for the begin-
 18 ning and ending dates of coverage of employees and annuitants and
 19 members of their families under health benefits plans. The regula-
 20 tions may permit the coverage to continue, exclusive of the temporary
 21 extension of coverage described by section 8902(g) of this title, until
 22 the end of the pay period in which an employee is separated from the
 23 service, or until the end of the month in which an annuitant ceases to
 24 be entitled to annuity, and in case of the death of an employee or an-
 25 nuitant, may permit a temporary extension of the coverage of mem-
 26 bers of his family for not to exceed 90 days.

27 (d) The Secretary of Agriculture shall prescribe regulations to
 28 effect the application and operation of this chapter to an individual
 29 named by section 8901(1)(H) of this title.

30 SEC. 2. (a) Section 42 of title 4, United States Code, is amended to
 31 read as follows:

32 **“§ 42. Same; custody and use of**

33 “The Secretary of State shall have the custody and charge of such
 34 seal. Except as provided by section 2902(a) of title 5, the seal shall
 35 not be affixed to any instrument without the special warrant of the
 36 President therefor.”

37 (b) The analysis of chapter 4 of title 4, United States Code, is
 38 amended by redesignating item 111 as “112”, and by inserting after
 39 item 110:

“111. Same; taxation affecting Federal employees; income tax.”

(c) Chapter 4 of title 4, United States Code, is further amended by redesignating section 111 as "112", and by inserting after section 110:

"§ 111. Same; taxation affecting Federal employees; income tax

"The United States consents to the taxation of pay or compensation for personal service as an officer or employee of the United States, a territory or possession or political subdivision thereof, the government of the District of Columbia, or an agency or instrumentality of one or more of the foregoing, by a duly constituted taxing authority having jurisdiction, if the taxation does not discriminate against the officer or employee because of the source of the pay or compensation."

SEC. 3. (a) The analysis of chapter 15 of title 18, United States Code, is amended by adding the following:

"292. Solicitation of employment and receipt of unapproved fees concerning Federal employees' compensation."

(b) Chapter 15 of title 18, United States Code, is amended by adding the following new section:

"§ 292. Solicitation of employment and receipt of unapproved fees concerning Federal employees' compensation

"Whoever solicits employment for himself or another in respect to a case, claim, or award for compensation under, or to be brought under, subchapter I of chapter 81 of title 5; or

"Whoever receives a fee, other consideration, or gratuity on account of legal or other services furnished in respect to a case, claim, or award for compensation under subchapter I of chapter 81 of title 5, unless the fee, consideration, or gratuity is approved by the Secretary of Labor—

"Shall, for each offense, be fined not more than \$1,000 or imprisoned not more than one year, or both."

(c) The analysis of chapter 93 of title 18, United States Code, is amended by adding the following:

"1916. Accepting voluntary service.

"1917. Unauthorized employment and disposition of lapsed appropriations.

"1918. Interference with civil service examinations.

"1919. Disloyalty and asserting the right to strike against the Government.

"1920. False statement to obtain unemployment compensation for Federal Service.

"1921. False statement to obtain Federal employees' compensation.

"1922. Receiving Federal employees' compensation after marriage.

"1923. False or withheld report concerning Federal employees' compensation.

"1924. Fraudulent receipt of payments of missing persons."

(d) Chapter 93 of title 18, United States Code, is amended by adding the following new sections:

"§ 1916. Accepting voluntary service

"Whoever, being an officer or employee of the United States, knowingly and willfully violates the provision of section 3101(b) of title 5

1 that such an officer or employee may not accept voluntary service for
 2 the United States or employ personal service in excess of that author-
 3 ized by statute, except in an emergency involving the safety of human
 4 life or the protection of property, shall be fined not more than \$5,000
 5 or imprisoned not more than two years, or both.

6 **“§ 1917. Unauthorized employment and disposition of lapsed ap-**
 7 **propriations**

8 “Whoever—

9 “(1) violates the provision of section 3103 of title 5 that an
 10 individual may be employed in the civil service in an Executive
 11 department at the seat of Government only for services actually
 12 rendered in connection with and for the purposes of the appro-
 13 priation from which he is paid; or

14 “(2) violates the provision of section 5501 of title 5 that money
 15 accruing from lapsed salaries or from unused appropriations for
 16 salaries shall be covered into the Treasury of the United States;
 17 shall be fined not more than \$1,000 or imprisoned not more than
 18 one year.

19 **“§ 1918. Interference with civil service examinations**

20 “Whoever, being a member or employee of the United States Civil
 21 Service Commission or an individual in the public service, willfully
 22 and corruptly—

23 “(1) defeats, deceives, or obstructs an individual in respect of
 24 his right of examination according to the rules prescribed by the
 25 President under title 5 for the administration of the competitive
 26 service and the regulations prescribed by the Commission under
 27 section 1302(a) of title 5;

28 “(2) falsely marks, grades, estimates, or reports on the exam-
 29 ination or proper standing of an individual examined;

30 “(3) makes a false representation concerning the mark, grade,
 31 estimate, or report on the examination or proper standing of an
 32 individual examined, or concerning the individual examined; or

33 “(4) furnishes to an individual any special or secret informa-
 34 tion for the purpose of improving or injuring the prospects or
 35 chances of an individual examined, or to be examined, being ap-
 36 pointed, employed, or promoted;

37 shall, for each offense, be fined not less than \$100 nor more than \$1,000
 38 or imprisoned not less than ten days nor more than one year, or both.

1 **“§ 1919. Disloyalty and asserting the right to strike against the**
 2 **Government**

3 “Whoever violates the provision of section 7311 of title 5 that an
 4 individual may not accept or hold a position in the Government of the
 5 United States or the government of the District of Columbia if he—

6 “(1) advocates the overthrow of our constitutional form of
 7 government;

8 “(2) is a member of an organization that he knows advocates
 9 the overthrow of our constitutional form of government;

10 “(3) participates in a strike, or asserts the right to strike,
 11 against the Government of the United States or the government of
 12 the District of Columbia; or

13 “(4) is a member of an organization of employees of the Gov-
 14 ernment of the United States or of individuals employed by the
 15 government of the District of Columbia that he knows asserts
 16 the right to strike against the Government of the United States or
 17 the government of the District of Columbia;

18 shall be fined not more than \$1,000 or imprisoned not more than one
 19 year and a day, or both.

20 **“§ 1920. False statement to obtain unemployment compensation**
 21 **for Federal service**

22 “Whoever makes a false statement or representation of a material
 23 fact knowing it to be false, or knowingly fails to disclose a material
 24 fact, to obtain or increase for himself or for any other individual any
 25 payment authorized to be paid under chapter 85 of title 5 or under an
 26 agreement thereunder, shall be fined not more than \$1,000 or im-
 27 prisoned not more than one year, or both.

28 **“§ 1921. False statement to obtain Federal employees’ compensa-**
 29 **tion**

30 “Whoever makes, in an affidavit or report required by section 8106
 31 of title 5 or in a claim for compensation under subchapter I of
 32 chapter 81 of title 5, a statement, knowing it to be false, is guilty of
 33 perjury and shall be fined not more than \$2,000 or imprisoned not
 34 more than one year, or both.

35 **“§ 1922. Receiving Federal employees’ compensation after mar-**
 36 **riage**

37 “Whoever, being entitled to compensation under sections 8107–8113
 38 and 8133 of title 5 and whose compensation by the terms of those sec-
 39 tions stops or is reduced on his marriage or on the marriage of his

1 dependent, accepts after such marriage any compensation or payment
 2 to which he is not entitled shall be fined not more than \$2,000 or im-
 3 prisoned not more than one year, or both.

4 **“§ 1923. False or withheld report concerning Federal employees’**
 5 **compensation**

6 “Whoever, being an officer or employee of the United States charged
 7 with the responsibility for making the reports of the immediate su-
 8 perior specified by section 8120 of title 5, willfully fails, neglects, or
 9 refuses to make any of the reports, or knowingly files a false report, or
 10 induces, compels, or directs an injured employee to forego filing of
 11 any claim for compensation or other benefits provided under sub-
 12 chapter I of chapter 81 of title 5 or any extension or application there-
 13 of, or willfully retains any notice, report, claim, or paper which is
 14 required to be filed under that subchapter or any extension or applica-
 15 tion thereof, or regulations prescribed thereunder, shall be fined not
 16 more than \$500 or imprisoned not more than one year, or both.

17 **“§ 1924. Fraudulent receipt of payments of missing persons**

18 “Whoever obtains or receives any money, check, or allotment under—

19 “(1) subchapter VII of chapter 55 of title 5; or

20 “(2) chapter 10 of title 37;

21 without being entitled thereto, with intent to defraud, shall be fined
 22 not more than \$2,000 or imprisoned not more than one year, or
 23 both.”

24 (e) The analysis of chapter 301 of title 18, United States Code, is
 25 amended by adding the following:

“4010. Acquisition of additional land.

“4011. Disposition of cash collections for meals, laundry, etc.”

26 (f) Chapter 301 of title 18, United States Code, is amended by
 27 adding the following new sections:

28 **“§ 4010. Acquisition of additional land**

29 “The Attorney General may, when authorized by law, acquire land
 30 adjacent to or in the vicinity of a Federal penal or correctional in-
 31 stitution if he considers the additional land essential to the protection
 32 of the health or safety of the inmates of the institution.

33 **“§ 4011. Disposition of cash collections for meals, laundry, etc.**

34 “Collections in cash for meals, laundry, barber service, uniform
 35 equipment, and other items for which payment is made originally from
 36 appropriations for the maintenance and operation of Federal penal
 37 and correctional institutions, may be deposited in the Treasury to the

1 credit of the appropriation currently available for those items when
2 the collection is made."

3 SEC. 4. (a) The analysis of title 28, United States Code, is amended
4 by striking out:

5 "II. UNITED STATES ATTORNEYS AND MARSHALS_____ 501"

6 and inserting in place thereof:

7 "II. DEPARTMENT OF JUSTICE_____ 501"

8 (b) Part II of the subanalysis of title 28, United States Code, is
9 amended to read as follows:

10 "PART II—DEPARTMENT OF JUSTICE

"31. THE ATTORNEY GENERAL_____	501
"33. FEDERAL BUREAU OF INVESTIGATION_____	531
"35. UNITED STATES ATTORNEYS_____	541
"37. UNITED STATES MARSHALS_____	561"

11 (c) Part II of title 28, United States Code, is amended to read as
12 follows:

13 "PART II—DEPARTMENT OF JUSTICE

"CHAPTER	Sec.
"31. THE ATTORNEY GENERAL_____	501
"33. FEDERAL BUREAU OF INVESTIGATION_____	531
"35. UNITED STATES ATTORNEYS_____	541
"37. UNITED STATES MARSHALS_____	561

14 "CHAPTER 31—THE ATTORNEY GENERAL

"Sec.

- "501. Executive department.
- "502. Seal.
- "503. Attorney General.
- "504. Deputy Attorney General.
- "505. Solicitor General.
- "506. Assistant Attorneys General.
- "507. Assistant Attorney General for Administration.
- "508. Vacancies.
- "509. Functions of the Attorney General.
- "510. Delegation of authority.
- "511. Attorney General to advise the President.
- "512. Attorney General to advise heads of executive departments.
- "513. Attorney General to advise Secretaries of military departments.
- "514. Legal services on pending claims in departments and agencies.
- "515. Authority for legal proceedings; commission, oath, and salary for special attorneys.
- "516. Conduct of litigation reserved to Department of Justice.
- "517. Interests of United States in pending suits.
- "518. Conduct and argument of cases.
- "519. Supervision of litigation.
- "520. Transmission of petitions in Court of Claims; statement furnished by departments.
- "521. Publication and distribution of opinions.
- "522. Report of business and statistics.
- "523. Requisitions.
- "524. Appropriations for administrative expenses; notarial fees; meals and lodging of bailiffs.
- "525. Procurement of law books, reference books, and periodicals; sale and exchange.
- "526. Authority of the Attorney General to investigate United States attorneys and marshals, clerks of court, and others.

1 **“§ 501. Executive department**

2 “The Department of Justice is an executive department of the
3 United States at the seat of Government.

4 **“§ 502. Seal**

5 “The Attorney General shall have a seal for the Department of
6 Justice. The design of the seal is subject to the approval of the
7 President.

8 **“§ 503. Attorney General**

9 “The President shall appoint, by and with the advice and consent
10 of the Senate, an Attorney General of the United States. The At-
11 torney General is the head of the Department of Justice.

12 **“§ 504. Deputy Attorney General**

13 “The President may appoint, by and with the advice and consent
14 of the Senate, a Deputy Attorney General.

15 **“§ 505. Solicitor General**

16 “The President shall appoint, by and with the advice and consent of
17 the Senate, a Solicitor General in the Department of Justice to assist
18 the Attorney General in the performance of his duties.

19 **“§ 506. Assistant Attorneys General**

20 “The President shall appoint, by and with the advice and consent
21 of the Senate, nine Assistant Attorneys General, who shall assist the
22 Attorney General in the performance of his duties.

23 **“§ 507. Assistant Attorney General for Administration**

24 “(a) The Attorney General shall appoint, with the approval of
25 the President, an Assistant Attorney General for Administration,
26 who shall perform such duties as the Attorney General may prescribe.

27 “(b) The position of Assistant Attorney General for Administra-
28 tion is in the competitive service.

29 **“§ 508. Vacancies**

30 “(a) In case of a vacancy in the office of Attorney General, or of
31 his absence or disability, the Deputy Attorney General may exercise
32 all the duties of that office, and for the purpose of section 3345 of title
33 5 the Deputy Attorney General is the first assistant to the Attorney
34 General.

35 “(b) When, by reason of absence, disability, or vacancy in office,
36 neither the Attorney General nor the Deputy Attorney General is
37 available to exercise the duties of the office of Attorney General, the
38 Assistant Attorneys General and the Solicitor General, in such order
39 of succession as the Attorney General may from time to time prescribe,
40 shall act as Attorney General.

1 **“§ 509. Functions of the Attorney General**

2 “All functions of other officers of the Department of Justice and all
3 functions of agencies and employees of the Department of Justice are
4 vested in the Attorney General except the functions—

5 “(1) vested by subchapter II of chapter 5 of title 5 in hearing
6 examiners employed by the Department of Justice;

7 “(2) of the Federal Prison Industries, Inc.;

8 “(3) of the Board of Directors and officers of the Federal
9 Prison Industries, Inc.; and

10 “(4) of the Board of Parole.

11 **“§ 510. Delegation of authority**

12 “The Attorney General may from time to time make such provisions
13 as he considers appropriate authorizing the performance by any other
14 officer, employee, or agency of the Department of Justice of any
15 function of the Attorney General.

16 **“§ 511. Attorney General to advise the President**

17 “The Attorney General shall give his advice and opinion on ques-
18 tions of law when required by the President.

19 **“§ 512. Attorney General to advise heads of executive depart-
20 ments**

21 “The head of an executive department may require the opinion
22 of the Attorney General on questions of law arising in the adminis-
23 tration of his department.

24 **“§ 513. Attorney General to advise Secretaries of military depart-
25 ments**

26 “When a question of law arises in the administration of the Depart-
27 ment of the Army, the Department of the Navy, or the Department of
28 the Air Force, the cognizance of which is not given by statute to some
29 other officer from whom the Secretary of the military department
30 concerned may require advice, the Secretary of the military depart-
31 ment shall send it to the Attorney General for disposition.

32 **“§ 514. Legal services on pending claims in departments and agen-
33 cies**

34 “When the head of an executive department or agency is of the
35 opinion that the interests of the United States require the service of
36 counsel on the examination of any witness concerning any claim, or on
37 the legal investigation of any claim, pending in the department or
38 agency, he shall notify the Attorney General, giving all facts necessary
39 to enable him to furnish proper professional service in attending the
40 examination or making the investigation, and the Attorney General
41 shall provide for the service.

1 **“§ 515. Authority for legal proceedings; commission, oath, and**
 2 **salary for special attorneys**

3 “(a) The Attorney General or any other officer of the Department
 4 of Justice, or any attorney specially appointed by the Attorney Gen-
 5 eral under law, may, when specifically directed by the Attorney
 6 General, conduct any kind of legal proceeding, civil or criminal, in-
 7 cluding grand jury proceedings and proceedings before committing
 8 magistrates, which United States attorneys are authorized by law to
 9 conduct, whether or not he is a resident of the district in which the
 10 proceeding is brought.

11 “(b) Each attorney specially retained under authority of the De-
 12 partment of Justice shall be commissioned as special assistant to the
 13 Attorney General or special attorney, and shall take the oath required
 14 by law. Foreign counsel employed in special cases are not required to
 15 take the oath. The Attorney General shall fix the annual salary of
 16 a special assistant or special attorney at not more than \$12,000.

17 **“§ 516. Conduct of litigation reserved to Department of Justice**

18 “Except as otherwise authorized by law, the conduct of litiga-
 19 tion in which the United States, an agency, or officer thereof is a
 20 party, or is interested, and securing evidence therefor, is reserved to
 21 officers of the Department of Justice, under the direction of the At-
 22 torney General.

23 **“§ 517. Interests of United States in pending suits**

24 “The Solicitor General, or any officer of the Department of Justice,
 25 may be sent by the Attorney General to any State or district in the
 26 United States to attend to the interests of the United States in a suit
 27 pending in a court of the United States, or in a court of a State, or to
 28 attend to any other interest of the United States.

29 **“§ 518. Conduct and argument of cases**

30 “(a) Except when the Attorney General in a particular case directs
 31 otherwise, the Attorney General and the Solicitor General shall con-
 32 duct and argue suits and appeals in the Supreme Court and suits in
 33 the Court of Claims in which the United States is interested.

34 “(b) When the Attorney General considers it in the interests of the
 35 United States, he may personally conduct and argue any case in a
 36 court of the United States in which the United States is interested, or
 37 he may direct the Solicitor General or any officer of the Department of
 38 Justice to do so.

39 **“§ 519. Supervision of litigation**

40 “Except as otherwise authorized by law, the Attorney General
 41 shall supervise all litigation to which the United States, an agency,

1 or officer thereof is a party, and shall direct all United States attorneys,
2 assistant United States attorneys, and special attorneys appointed
3 under section 543 of this title in the discharge of their respective duties.

4 **“§ 520. Transmission of petitions in Court of Claims; statement**
5 **furnished by departments**

6 “(a) In suits against the United States in the Court of Claims
7 founded on a contract, agreement, or transaction with an executive de-
8 partment or military department, or a bureau, officer, or agent thereof,
9 or when the matter or thing on which the claim is based has been
10 passed on and decided by an executive department, military depart-
11 ment, bureau, or officer authorized to adjust it, the Attorney General
12 shall send to the department, bureau, or officer a printed copy of the
13 petition filed by the claimant, with a request that the department,
14 bureau, or officer furnish to the Attorney General all facts, circum-
15 stances, and evidence concerning the claim in the possession or knowl-
16 edge of the department, bureau, or officer.

17 “(b) Within a reasonable time after receipt of the request from the
18 Attorney General, the executive department, military department, bu-
19 reau, or officer shall furnish the Attorney General with a written state-
20 ment of all facts, information, and proofs. The statement shall con-
21 tain a reference to or description of all official documents and papers,
22 if any, as may furnish proof of facts referred to in it, or may be neces-
23 sary and proper for the defense of the United States against the claim,
24 mentioning the department, office, or place where the same is kept or
25 may be secured. If the claim has been passed on and decided by the
26 department, bureau, or officer, the statement shall briefly state the rea-
27 sons and principles on which the decision was based. When the deci-
28 sion was founded on an Act of Congress it shall be cited specifically,
29 and if any previous interpretation or construction has been given to
30 the Act, section, or clause by the department, bureau, or officer, it shall
31 be set forth briefly in the statement and a copy of the opinion filed,
32 if any, attached to it. When a decision in the case has been based
33 on a regulation of a department or when a regulation has, in the
34 opinion of the department, bureau, or officer sending the statement,
35 any bearing on the claim, it shall be distinctly quoted at length in
36 the statement. When more than one case or class of cases is pending,
37 the defense of which rests on the same facts, circumstances, and proofs,
38 the department, bureau, or officer may certify and send one statement
39 and it shall be held to apply to all cases as if made out, certified, and
40 sent in each case respectively.

1 **“§ 521. Publication and distribution of opinions**

2 “The Attorney General, from time to time—

3 “(1) shall cause to be edited, and printed in the Government
4 Printing Office, such of his opinions as he considers valuable for
5 preservation in volumes; and

6 “(2) may prescribe the manner for the distribution of the
7 volumes.

8 Each volume shall contain headnotes, an index, and such footnotes as
9 the Attorney General may approve.

10 **“§ 522. Report of business and statistics**

11 “The Attorney General, at the beginning of each regular session
12 of Congress, shall report to Congress on the business of the Depart-
13 ment of Justice for the last preceding fiscal year, and on any other
14 matters pertaining to the Department that he considers proper,
15 including—

16 “(1) a statement of the several appropriations which are placed
17 under the control of the Department and the amount appro-
18 priated;

19 “(2) the statistics of crime under the laws of the United
20 States; and

21 “(3) a statement of the number of causes involving the United
22 States, civil and criminal, pending during the preceding year in
23 each of the several courts of the United States.

24 **“§ 523. Requisitions**

25 “The Attorney General shall sign all requisitions for the advance
26 or payment of moneys appropriated for the Department of Justice,
27 out of the Treasury, subject to the same control as is exercised on like
28 estimates or accounts by the General Accounting Office.

29 **“§ 524. Appropriations for administrative expenses; notarial fees;
30 meals and lodging of bailiffs**

31 “Appropriations for the Department of Justice are available for
32 payment of—

33 “(1) notarial fees, including such additional stenographic serv-
34 ices as are required in connection therewith in the taking of deposi-
35 tions, and compensation and expenses of witnesses and inform-
36 ants, all at the rates authorized or approved by the Attorney
37 General or the Assistant Attorney General for Administration;
38 and

39 “(2) when ordered by the court, actual expenses of meals and
40 lodging for marshals, deputy marshals, or criers when acting as
41 bailiffs in attendance on juries.

1 **“§ 525. Procurement of law books, reference books, and periodicals; sale and exchange**

2
3 “In the procurement of law books, reference books, and periodicals,
4 the Attorney General may exchange or sell similar items and apply
5 the exchange allowances or proceeds of such sales in whole or in part
6 payment therefor.

7 **“§ 526. Authority of Attorney General to investigate United**
8 **States attorneys and marshals, clerks of court, and**
9 **others**

10 “(a) The Attorney General may investigate the official acts, records,
11 and accounts of—

12 “(1) the United States attorneys and marshals; and

13 “(2) at the request and on behalf of the Director of the Admin-
14 istrative Office of the United States Courts, the clerks of the
15 United States courts and of the district courts of the Canal Zone
16 and the Virgin Islands, probation officers, referees, trustees and
17 receivers in bankruptcy, United States commissioners, and court
18 reporters;

19 for which purpose all the official papers, records, dockets, and accounts
20 of these officers, without exception, may be examined by agents of the
21 Attorney General at any time.

22 “(b) Appropriations for the examination of judicial officers are
23 available for carrying out this section.

24 **“CHAPTER 33—FEDERAL BUREAU OF INVESTIGATION**

“Sec.

“531. Federal Bureau of Investigation.

“532. Director of Federal Bureau of Investigation.

“533. Investigative and other officials; appointment.

“534. Acquisition, preservation, and exchange of identification records; appointment of officials.

“535. Investigation of crimes involving Government officers and employees; limitations.

“536. Positions in excepted service.

“537. Membership in International Criminal Police Organization; expenses of unforeseen emergencies of a confidential nature.

25 **“§ 531. Federal Bureau of Investigation**

26 “The Federal Bureau of Investigation is in the Department of
27 Justice.

28 **“§ 532. Director of the Federal Bureau of Investigation**

29 “The Attorney General may appoint a Director of the Federal
30 Bureau of Investigation. The Director of the Federal Bureau of
31 Investigation is the head of the Federal Bureau of Investigation.

32 **“§ 533. Investigative and other officials; appointment**

33 “The Attorney General may appoint officials—

34 “(1) to detect and prosecute crimes against the United States;

1 “(2) to assist in the protection of the person of the President;
2 and

3 “(3) to conduct such other investigations regarding official
4 matters under the control of the Department of Justice and the
5 Department of State as may be directed by the Attorney General.
6 This section does not limit the authority of departments and agencies
7 to investigate crimes against the United States when investigative
8 jurisdiction has been assigned by law to such departments and
9 agencies.

10 **“§ 534. Acquisition, preservation, and exchange of identification**
11 **records; appointment of officials**

12 “(a) The Attorney General shall—

13 “(1) acquire, collect, classify, and preserve identification,
14 criminal identification, crime, and other records; and

15 “(2) exchange these records with, and for the official use of,
16 authorized officials of the Federal Government, the States, cities,
17 and penal and other institutions.

18 “(b) The exchange of records authorized by subsection (a) (2) of
19 this section is subject to cancellation if dissemination is made outside
20 the receiving departments or related agencies.

21 “(c) The Attorney General may appoint officials to perform the
22 functions authorized by this section.

23 **“§ 535. Investigation of crimes involving Government officers and**
24 **employees; limitations**

25 “(a) The Attorney General and the Federal Bureau of Investiga-
26 tion may investigate any violation of title 18 involving Government
27 officers and employees—

28 “(1) notwithstanding any other provision of law; and

29 “(2) without limiting the authority to investigate any matter
30 which is conferred on them or on a department or agency of the
31 Government.

32 “(b) Any information, allegation, or complaint received in a
33 department or agency of the executive branch of the Government
34 relating to violations of title 18 involving Government officers and
35 employees shall be expeditiously reported to the Attorney General by
36 the head of the department or agency, unless—

37 “(1) the responsibility to perform an investigation with re-
38 spect thereto is specifically assigned otherwise by another pro-
39 vision of law; or

“(2) as to any department or agency of the Government, the Attorney General directs otherwise with respect to a specified class of information, allegation, or complaint.

“(c) This section does not limit—

“(1) the authority of the military departments to investigate persons or offenses over which the armed forces have jurisdiction under the Uniform Code of Military Justice (chapter 47 of title 10); or

“(2) the primary authority of the Postmaster General to investigate postal offenses.

“§ 536. Positions in excepted service

“All positions in the Federal Bureau of Investigation are excepted from the competitive service, and the incumbents of such positions occupy positions in the excepted service.

“§ 537. Membership in International Criminal Police Organization; expenses of unforeseen emergencies of a confidential character

“Appropriations for the Federal Bureau of Investigation are available for—

“(1) expenses of membership in the International Criminal Police Organization; and

“(2) expenses of unforeseen emergencies of a confidential character, when so specified in the appropriation concerned, to be spent under the direction of the Attorney General, who shall certify the amount spent that he considers advisable not to specify, and his certification is a sufficient voucher for the amount therein expressed to have been spent.

“CHAPTER 35—UNITED STATES ATTORNEYS

“Sec.

“541. United States attorneys.

“542. Assistant United States attorneys.

“543. Special attorneys.

“544. Oath of office.

“545. Residence.

“546. Vacancies.

“547. Duties.

“548. Salaries.

“549. Expenses.

“550. Clerical assistants and messengers.

“§ 541. United States attorneys

“(a) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney for each judicial district.

“(b) Each United States attorney shall be appointed for a term of four years. On the expiration of his term, a United States attorney

1 shall continue to perform the duties of his office until his successor is
2 appointed and qualifies.

3 “(c) Each United States attorney is subject to removal by the
4 President.

5 **“§ 542. Assistant United States attorneys**

6 “(a) The Attorney General may appoint one or more assistant
7 United States attorneys in any district when the public interest so
8 requires.

9 “(b) Each assistant United States attorney is subject to removal by
10 the Attorney General.

11 **“§ 543. Special attorneys**

12 “(a) The Attorney General may appoint attorneys to assist United
13 States attorneys when the public interest so requires.

14 “(b) Each attorney appointed under this section is subject to re-
15 moval by the Attorney General.

16 **“§ 544. Oath of office**

17 “Each United States attorney, assistant United States attorney, and
18 attorney appointed under section 543 of this title, before taking office,
19 shall take an oath to execute faithfully his duties.

20 **“§ 545. Residence**

21 “(a) Each United States attorney and assistant United States
22 attorney shall reside in the district for which he is appointed, except
23 that these officers of the District of Columbia and the Southern Dis-
24 trict of New York may reside within 20 miles thereof.

25 “(b) The Attorney General may determine the official stations of
26 United States attorneys and assistant United States attorneys within
27 the districts for which they are appointed.

28 **“§ 546. Vacancies**

29 “The district court for a district in which the office of United States
30 attorney is vacant may appoint a United States attorney to serve until
31 the vacancy is filled. The order of appointment by the court shall be
32 filed with the clerk of the court.

33 **“§ 547. Duties**

34 “Except as otherwise provided by law, each United States attorney,
35 within his district, shall—

36 “(1) prosecute for all offenses against the United States;

37 “(2) prosecute or defend, for the Government, all civil actions,
38 suits or proceedings in which the United States is concerned;

39 “(3) appear in behalf of the defendants in all civil actions,
40 suits or proceedings pending in his district against collectors, or
41 other officers of the revenue or customs for any act done by them

or for the recovery of any money exacted by or paid to these officers, and by them paid into the Treasury;

“(4) institute and prosecute proceedings for the collection of fines, penalties, and forfeitures incurred for violation of any revenue law, unless satisfied on investigation that justice does not require the proceedings; and

“(5) make such reports as the Attorney General may direct.

“§ 548. Salaries

“Subject to section 5317 of title 5, the Attorney General shall fix the annual salaries of United States attorneys, assistant United States attorneys, and attorneys appointed under section 543 of this title at rates of compensation not in excess of the highest rate of GS-18 of the General Schedule set forth in section 5332 of title 5.

“§ 549. Expenses

“Necessary office expenses of United States attorneys shall be allowed when authorized by the Attorney General.

“§ 550. Clerical assistants and messengers

“The United States attorneys may employ clerical assistants and messengers on approval of the Attorney General.

“CHAPTER 37—UNITED STATES MARSHALS

“Sec.

“561. United States marshals.

“562. Deputy marshals and clerical assistants.

“563. Oath of office.

“564. Bond.

“565. Vacancies.

“566. Death of a marshal.

“567. Expenses of marshals.

“568. Availability of appropriations; transfer of prisoners to narcotic farms.

“569. Powers and duties generally; supervision by Attorney General.

“570. Power as sheriff.

“571. Disbursement of salaries and moneys.

“572. Collection of fees; accounting.

“573. Delivery of prisoners to successor.

“574. Delivery of unserved process to successor.

“575. Practice of law prohibited.

“§ 561. United States marshals

“(a) The President shall appoint, by and with the advice and consent of the Senate, a United States marshal for each judicial district.

“(b) Each marshal shall be appointed for a term of four years. On expiration of his term, a marshal shall continue to perform the duties of his office until his successor is appointed and qualifies, unless sooner removed by the President.

“(c) The Attorney General shall designate places within the district for the official station and offices of each marshal. Each marshal shall reside within the district for which he was appointed, except that the

1 marshal for the District of Columbia and the Southern District of
2 New York may reside within 20 miles thereof.

3 **“§ 562. Deputy marshals and clerical assistants**

4 “The Attorney General may authorize a United States marshal to
5 appoint deputies and clerical assistants. Each deputy marshal is sub-
6 ject to removal by the marshal pursuant to civil-service regulations.

7 **“§ 563. Oath of office**

8 “Each United States marshal and deputy marshal before assuming
9 the duties of his office shall take the following oath or affirmation:
10 “‘I, _____, do solemnly swear (or affirm) that
11 I will faithfully execute all lawful precepts directed to the
12 _____ under the authority of the United States, make
13 true returns, take only lawful fees, and in all things well and truly,
14 and without malice or partiality, perform the duties of the office of
15 _____ during my continuance in office. So help me
16 God’.

17 **“§ 564. Bond**

18 “(a) Each United States marshal, including a marshal appointed
19 to serve during a vacancy, shall be bonded in the sum of \$20,000 for
20 the faithful performance of duty by himself and his deputies during
21 his continuance in office and by his deputies after his death until his
22 successor is appointed and qualifies.

23 “(b) The Attorney General may require the United States marshal
24 for the Southern District of New York to be bonded in a sum not
25 exceeding \$75,000 and any other United States marshal to be bonded
26 in a sum not exceeding \$40,000.

27 “(c) A person injured by a breach of a United States marshal’s
28 bond may sue thereon, in his own name, to recover his damages. Such
29 an action shall be commenced within six years after the right accrues,
30 but a person under legal disability may sue within three years after
31 the removal of his disability. After judgment, the marshal’s bond
32 shall remain as security until the whole penalty has been recovered.

33 **“§ 565. Vacancies**

34 “The district court for a district in which the office of United States
35 marshal is vacant may appoint a United States marshal to serve until
36 the vacancy is filled. The order of appointment by the court shall be
37 filed with the clerk of the court.

38 **“§ 566. Death of a marshal**

39 “(a) On the death of a United States marshal, his deputy or
40 deputies shall perform the duties of the deceased marshal in his name
41 until his successor is appointed and qualifies.

“(b) The default or misfeasance of a deputy is a breach of the deceased marshal’s bond, and his executor or administrator has like remedies against the deputy for the default or misfeasance as the marshal would have had if he had continued in office.

“§ 567. Expenses of marshals

“Under regulations prescribed by the Attorney General, each United States marshal shall be allowed—

“(1) his actual and necessary office expenses;

“(2) the expense of transporting prisoners, including the cost of necessary guards and the travel and subsistence expense of prisoners and guards; and

“(3) other necessary expenditures in line of duty, approved by the Attorney General.

“§ 568. Availability of appropriations; transfer of prisoners to narcotic farms

“Appropriations for salaries and expenses of United States marshals are available for actual and necessary expenses incident to the transfer of prisoners in the custody of the marshals to narcotic farms.

“§ 569. Powers and duties generally; supervision by Attorney General

“(a) The United States marshal of each district is the marshal of the district court and of the court of appeals when sitting in his district, and of the Customs Court holding sessions in his district elsewhere than in the Southern and Eastern Districts of New York, and may, in the discretion of the respective courts, be required to attend any session of court.

“(b) United States marshals shall execute all lawful writs, process and orders issued under authority of the United States, including those of the courts and Government of the Canal Zone, and command all necessary assistance to execute their duties.

“(c) The Attorney General shall supervise and direct United States marshals in the performance of public duties and accounting for public moneys. Each marshal shall report his official proceedings, receipts and disbursements and the condition of his office as the Attorney General directs.

“§ 570. Power as sheriff

“A United States marshal and his deputies, in executing the laws of the United States within a State, may exercise the same powers which a sheriff of the State may exercise in executing the laws thereof.

1 “§ 571. Disbursement of salaries and moneys

2 “(a) The United States marshals, under regulations prescribed by
3 the Attorney General, shall pay the salaries, office expenses and travel
4 and per diem allowances of United States attorneys, their assistants,
5 clerks and messengers, and of the marshals, their deputies and clerical
6 assistants.

7 “(b) The United States marshals, under regulations prescribed by
8 the Director of the Administrative Office of the United States Courts,
9 shall pay the salaries, office expenses, and travel and per diem allow-
10 ances of circuit and district judges, clerks of court and their deputies,
11 court reporters, and other personnel of courts within their districts.

12 “(c) On all disbursements made by United States marshals for
13 official salaries or expenses, the certificate of the payee is sufficient
14 without verification on oath.

15 “§ 572. Collection of fees; accounting

16 “(a) Each United States marshal shall collect, as far as possible,
17 his lawful fees and account for the same as public moneys.

18 “(b) The marshal’s accounts of fees and costs paid to a witness or
19 juror on certificate of attendance issued as provided by sections 1825
20 and 1871 of this title may not be reexamined to charge him for an
21 erroneous payment of the fees or costs.

22 **“§ 573. Delivery of prisoners to successor**

23 "Each United States marshal shall deliver to his successor all
24 prisoners in his custody.

25 **“§ 574. Delivery of unserved process to successor**

26 "All unserved process remaining in the hands of a United States
27 marshal or his deputies shall be delivered to his successor. When a
28 deputy marshal resigns or is removed, he shall deliver to the marshal
29 all process in his hands.

30 **“§ 575. Practice of law prohibited**

31 "A United States marshal or deputy marshal may not practice law
32 in any court of the United States."

33 (d) The analysis of part VI of title 28, United States Code, is
34 amended by inserting after item 157:

"158. Orders of Federal Agencies; Review_____ 2341".

(e) Part VI of title 28, United States Code, is amended by inserting after chapter 157:

37 "CHAPTER 158—ORDERS OF FEDERAL AGENCIES;
38 REVIEW

"Sec.

"2341. Definitions.

"2342. Jurisdiction of court of appeals.

"2343. Venue.

"Sec.

"2344. Review of orders ; time ; notice ; contents of petitions ; service.

"2345. Prehearing conference.

"2346. Certification of record on review.

"2347. Petitions to review ; proceedings.

"2348. Representation in proceeding ; intervention.

"2349. Jurisdiction of the proceeding.

"2350. Review in Supreme Court on certiorari or certification.

"2351. Enforcement of orders by district courts.

"2352. Rules.

1 **"§ 2341. Definitions**

2 "As used in this chapter—

3 "(1) 'clerk' means the clerk of the court in which the petition
4 for the review of an order, reviewable under this chapter, is filed ;

5 "(2) 'petitioner' means the party or parties by whom a petition
6 to review an order, reviewable under this chapter, is filed ; and

7 "(3) 'agency' means—

8 "(A) the Commission, when the order sought to be re-
9 viewed was entered by the Federal Communications Commis-
10 sion, the Federal Maritime Commission, or the Atomic Energy
11 Commission, as the case may be ;

12 "(B) the Secretary, when the order was entered by the
13 Secretary of Agriculture ; and

14 "(C) the Administration, when the order was entered by
15 the Maritime Administration.

16 **"§ 2342. Jurisdiction of court of appeals**

17 "The court of appeals has exclusive jurisdiction to enjoin, set aside,
18 suspend (in whole or in part), or to determine the validity of—

19 "(1) all final orders of the Federal Communications Commis-
20 sion made reviewable by section 402(a) of title 47 ;

21 "(2) all final orders of the Secretary of Agriculture made under
22 chapters 9 and 20A of title 7, except orders issued under sections
23 210(e), 217(a), and 499g(a) of title 7 ;

24 "(3) such final orders of the Federal Maritime Commission or
25 the Maritime Administration entered under chapters 23 and 23A
26 of title 46 as are subject to judicial review under section 830 of
27 title 46 ; and

28 "(4) all final orders of the Atomic Energy Commission made
29 reviewable by section 2239 of title 42.

30 Jurisdiction is invoked by filing a petition as provided by section 2344
31 of this title.

32 **"§ 2343. Venue**

33 "The venue of a proceeding under this chapter is in the judicial cir-
34 cuit in which the petitioner resides or has its principal office, or in the
35 United States Court of Appeals for the District of Columbia Circuit.

1 **“§ 2344. Review of orders; time; notice; contents of petition;**
 2 **service**

3 “On the entry of a final order reviewable under this chapter, the
 4 agency shall promptly give notice thereof by service or publication in
 5 accordance with its rules. Any party aggrieved by the final order
 6 may, within 60 days after its entry, file a petition to review the order
 7 in the court of appeals wherein venue lies. The action shall be against
 8 the United States. The petition shall contain a concise statement of—

- 9 “(1) the nature of the proceedings as to which review is sought;
 10 “(2) the facts on which venue is based;
 11 “(3) the grounds on which relief is sought; and
 12 “(4) the relief prayed.

13 The petitioner shall attach to the petition, as exhibits, copies of the
 14 order, report, or decision of the agency. The clerk shall serve a true
 15 copy of the petition on the agency and on the Attorney General by
 16 registered mail, with request for a return receipt.

17 **“§ 2345. Prehearing conference**

18 “The court of appeals may hold a prehearing conference or direct
 19 a judge of the court to hold a prehearing conference.

20 **“§ 2346. Certification of record on review**

21 “Unless the proceeding has been terminated on a motion to dismiss
 22 the petition, the agency shall file in the office of the clerk the record on
 23 review as provided by section 2112 of this title.

24 **“§ 2347. Petitions to review; proceedings**

25 “(a) Unless determined on a motion to dismiss, petitions to review
 26 orders reviewable under this chapter are heard in the court of appeals
 27 on the record of the pleadings, evidence adduced, and proceedings be-
 28 fore the agency, when the agency has held a hearing whether or not
 29 required to do so by law.

30 “(b) When the agency has not held a hearing before taking the ac-
 31 tion of which review is sought by the petition, the court of appeals shall
 32 determine whether a hearing is required by law. After that determi-
 33 nation, the court shall—

34 “(1) remand the proceedings to the agency to hold a hearing,
 35 when a hearing is required by law;

36 “(2) pass on the issues presented, when a hearing is not re-
 37 quired by law and it appears from the pleadings and affidavits
 38 filed by the parties that no genuine issue of material fact is pre-
 39 sented; or

40 “(3) transfer the proceedings to a district court for the dis-
 41 trict in which the petitioner resides or has its principal office for

a hearing and determination as if the proceedings were originally initiated in the district court, when a hearing is not required by law and a genuine issue of material fact is presented. The procedure in these cases in the district court is governed by the Federal Rules of Civil Procedure.

“(c) If a party to a proceeding to review applies to the court of appeals in which the proceeding is pending for leave to adduce additional evidence and shows to the satisfaction of the court that—

“(1) the additional evidence is material; and

“(2) there were reasonable grounds for failure to adduce the evidence before the agency;

the court may order the additional evidence and any counterevidence the opposite party desires to offer to be taken by the agency. The agency may modify its findings of fact, or make new findings, by reason of the additional evidence so taken, and may modify or set aside its order, and shall file in the court the additional evidence, the modified findings or new findings, and the modified order or the order setting aside the original order.

“§ 2348. Representation in proceeding; intervention

“The Attorney General is responsible for and has control of the interests of the Government in all court proceedings under this chapter. The agency, and any party in interest in the proceeding before the agency whose interests will be affected if an order of the agency is or is not enjoined, set aside, or suspended, may appear as parties thereto of their own motion and as of right, and be represented by counsel in any proceeding to review the order. Communities, associations, corporations, firms, and individuals, whose interests are affected by the order of the agency, may intervene in any proceeding to review the order. The Attorney General may not dispose of or discontinue the proceeding to review over the objection of any party or intervenor, but any intervenor may prosecute, defend, or continue the proceeding unaffected by the action or inaction of the Attorney General.

“§ 2349. Jurisdiction of the proceeding

“(a) The court of appeals has jurisdiction of the proceeding on the filing and service of a petition to review. The court of appeals in which the record on review is filed, on the filing, has jurisdiction to vacate stay orders or interlocutory injunctions previously granted by any court, and has exclusive jurisdiction to make and enter, on the petition, evidence, and proceedings set forth in the record on review, a judgment determining the validity of, and enjoining, setting aside, or suspending, in whole or in part, the order of the agency.

1 “(b) The filing of the petition to review does not of itself stay or
2 suspend the operation of the order of the agency, but the court of
3 appeals in its discretion may restrain or suspend, in whole or in part,
4 the operation of the order pending the final hearing and determination
5 of the petition. When the petitioner makes application for an inter-
6 locutory injunction restraining or suspending the enforcement, opera-
7 tion, or execution of, or setting aside, in whole or in part, any order
8 reviewable under this chapter, at least 5 days’ notice of the hearing
9 thereon shall be given to the agency and to the Attorney General. In
10 a case in which irreparable damage would otherwise result to the pe-
11 titioner, the court of appeals may, on hearing, after reasonable notice
12 to the agency and to the Attorney General, order a temporary stay or
13 suspension, in whole or in part, of the operation of the order of the
14 agency for not more than 60 days from the date of the order pending
15 the hearing on the application for the interlocutory injunction, in
16 which case the order of the court of appeals shall contain a specific
17 finding, based on evidence submitted to the court of appeals, and identi-
18 fied by reference thereto, that irreparable damage would result to the
19 petitioner and specifying the nature of the damage. The court of
20 appeals, at the time of hearing the application for an interlocutory
21 injunction, on a like finding, may continue the temporary stay or
22 suspension, in whole or in part, until decision on the application. The
23 hearing on an application for an interlocutory injunction shall be
24 given preference and expedited and shall be heard at the earliest prac-
25 ticable date after the expiration of the notice of hearing on the appli-
26 cation. On the final hearing of any proceeding to review any order
27 under this chapter, the same requirements as to precedence and expe-
28 dition apply.

29 **“§ 2350. Review in Supreme Court on certiorari or certification**

30 “(a) An order granting or denying an interlocutory injunction
31 under section 2349(b) of this title and a final judgment of the court
32 of appeals in a proceeding to review under this chapter are subject to
33 review by the Supreme Court on a writ of certiorari as provided by
34 section 1254(1) of this title. Application for the writ shall be made
35 within 45 days after entry of the order and within 90 days after entry
36 of the judgment, as the case may be. The United States, the agency,
37 or an aggrieved party may file a petition for a writ of certiorari.

38 “(b) The provisions of section 1254(3) of this title, regarding
39 certification, and of section 2101(e) of this title, regarding stays, also
40 apply to proceedings under this chapter.

1 **“§ 2351. Enforcement of orders by district courts**

2 “The several district courts have jurisdiction specifically to enforce,
3 and to enjoin and restrain any person from violating any order issued
4 under section 193 of title 7.

5 **“§ 2352. Rules**

6 “The several courts of appeals shall adopt and promulgate rules,
7 subject to the approval of the Judicial Conference of the United
8 States, governing the practice and procedure, including prehearing
9 conference procedure, in proceedings to review orders under this
10 chapter.”

11 SEC. 5. (a) The chapter analysis of title 37, United States Code, is
12 amended by inserting after item 9:

“10. PAYMENTS TO MISSING PERSONS----- 551”.

13 (b) Title 37, United States Code, is amended by inserting after
14 chapter 9:

15 **“CHAPTER 10—PAYMENTS TO MISSING PERSONS**

“Sec.

“551. Definitions.

“552. Pay and allowances; continuance while in a missing status; limitations.

“553. Allotments; continuance, suspension, initiation, resumption, or increase
while in a missing status; limitations.

“554. Travel and transportation; dependents; household and personal effects;
motor vehicles; sale of bulky items; claims for proceeds; appropriation
chargeable.

“555. Secretarial review.

“556. Secretarial determinations.

“557. Settlement of accounts.

“558. Income tax deferment.

16 **“§ 551. Definitions**

17 “In this chapter—

18 “(1) ‘dependent’, with respect to a member of a uniformed serv-
19 ice, means—

20 “(A) his wife;

21 “(B) his unmarried child (including an unmarried de-
22 pendent stepchild or adopted child) under 21 years of age;

23 “(C) his dependent mother or father;

24 “(D) a dependent designated in official records; and

25 “(E) a person determined to be dependent by the Secre-
26 tary concerned, or his designee;

27 “(2) ‘missing status’ means the status of a member of a uni-
28 formed service who is officially carried or determined to be absent
29 in a status of—

30 “(A) missing;

31 “(B) missing in action;

32 “(C) interned in a foreign country;

1 “(D) captured, beleaguered, or beseiged by a hostile force;
2 or

3 “(E) detained in a foreign country against his will; and

4 “(3) ‘pay and allowances’ means—

5 “(A) basic pay;

6 “(B) special pay;

7 “(C) incentive pay;

8 “(D) basic allowance for quarters;

9 “(E) basic allowance for subsistence; and

10 “(F) station per diem allowances for not more than 90
11 days.

12 **“§ 552. Pay and allowances; continuance while in a missing**
13 **status; limitations**

14 “(a) A member of a uniformed service who is on active duty or per-
15 forming inactive-duty training, and who is in a missing status, is, for
16 the period he is in that status, entitled to receive or have credited to
17 his account the same pay and allowances, as defined in this chapter, to
18 which he was entitled at the beginning of that period or may there-
19 after become entitled. However, a member who is performing full-
20 time training duty or other full-time duty without pay, or inactive-
21 duty training with or without pay, is entitled to the pay and allow-
22 ances to which he would have been entitled if he had been on active
23 duty with pay.

24 “(b) The expiration of a member’s term of service while he is in a
25 missing status does not end his entitlement to pay and allowances un-
26 der subsection (a) of this section. Notwithstanding the death of a
27 member while in a missing status, entitlement to pay and allowances
28 under subsection (a) of this section ends on the date—

29 “(1) the Secretary concerned receives evidence that the mem-
30 ber is dead; or

31 “(2) that his death is prescribed or determined under section
32 555 of this title.

33 “(c) A member is not entitled to pay and allowances under subsec-
34 tion (a) of this section for a period during which he is officially deter-
35 mined to be absent from his post of duty without authority, and he is
36 indebted to the United States for payments from amounts credited to
37 his account for that period.

38 “(d) A member who is performing full-time training duty or
39 inactive-duty training is entitled to the benefits of this section only

1 when he is officially determined to be in a missing status that results
2 from the performance of duties prescribed by competent authority.

3 “(e) A member in a missing status who is continued in that status
4 under section 555 of this title is entitled to be credited with pay and
5 allowances under subsection (a) of this section.

6 **“§ 553. Allotments; continuance, suspension, initiation, resump-**
7 **tion, or increase while in a missing status; limitations**

8 “(a) Notwithstanding the end of the period for which it was made,
9 an allotment, including one for the purchase of United States savings
10 bonds, made by a member of a uniformed service before he was in a
11 missing status may be continued for the period he is entitled to pay
12 and allowances under section 552 of this title.

13 “(b) When there is no allotment in effect, or when it is insufficient
14 for a purpose authorized by the Secretary concerned, he, or his
15 designee, may authorize new allotments or increases in allotments that
16 are warranted by the circumstances and payable for the period the
17 member is entitled to pay and allowances under section 552 of this title.

18 “(c) The total of all allotments from the pay and allowances of a
19 member in a missing status may not be more than the amount of pay
20 and allowances he is permitted to allot under regulations prescribed
21 by the Secretary concerned.

22 “(d) A premium paid by the United States on insurance issued on
23 the life of a member which is unearned because it covers a period after
24 his death reverts to the appropriation of the department concerned.

25 “(e) Subject to subsections (f) and (g) of this section, the Secre-
26 tary concerned, or his designee, may, when he considers it in the
27 interest of the member, his dependents, or the United States, direct the
28 initiation, continuance, discontinuance, increase, decrease, suspension,
29 or resumption of payments of allotments from the pay and allowances
30 of a member entitled to pay and allowances under section 552 of this
31 title.

32 “(f) When the Secretary concerned officially reports that a mem-
33 ber in a missing status is alive, the payments of allotments authorized
34 by subsections (a)–(d) of this section may, subject to section 552 of
35 this title, be made until the date the Secretary concerned receives evi-
36 dence that the member is dead or has returned to the controllable juris-
37 diction of the department concerned.

38 “(g) A member in a missing status who is continued in that status
39 under section 555 of this title is entitled to have the payments of allot-

1 ments authorized by subsections (a)–(d) of this section continued, in-
2 creased, or initiated.

3 “(h) When the Secretary concerned considers it essential for the
4 well-being and protection of the dependents of a member on active
5 duty (other than a member entitled to pay and allowances under sec-
6 tion 552 of this title), he may, with or without the consent, and sub-
7 ject to termination at the request, of the member—

8 “(1) direct the payment of a new allotment from the pay of
9 the member;

10 “(2) increase or decrease the amount of an allotment made by
11 the member; and

12 “(3) continue payment of an allotment of the member which has
13 expired.

14 **“§ 554. Travel and transportation; dependents; household and**
15 **personal effects; motor vehicles; sale of bulky items;**
16 **claims for proceeds; appropriation chargeable**

17 “(a) In this section, ‘household and personal effects’ and ‘household
18 effects’ may include, in addition to other authorized weight allowances,
19 one privately owned motor vehicle which may be shipped at United
20 States expense when it is located outside the United States, or in
21 Alaska or Hawaii.

22 “(b) Transportation (including packing, crating, drayage, tempo-
23 rary storage, and unpacking of household and personal effects) may
24 be provided for the dependents and household and personal effects of
25 a member of a uniformed service on active duty (without regard to
26 pay grade) who is officially reported as dead, injured, or absent for a
27 period of more than 29 days in a missing status—

28 “(1) to the member’s official residence of record;

29 “(2) to the residence of his dependent, next of kin, or other
30 person entitled to custody of the effects, under regulations pre-
31 scribed by the Secretary concerned; or

32 “(3) on request of the member (if injured), or his dependent,
33 next of kin, or other person described in clause (2), to another
34 location determined in advance or later approved by the Secre-
35 tary concerned, or his designee.

36 “(c) When a member described in subsection (b) of this section is
37 in an injured status, transportation of dependents and household and
38 personal effects authorized by this section may be provided only when
39 prolonged hospitalization or treatment is anticipated.

1 “(d) Transportation requested by a dependent may be authorized
2 under this section only if there is a reasonable relationship between
3 the circumstances of the dependent and the requested destination.

4 “(e) In place of the transportation for dependents authorized by
5 this section, and after the travel is completed, the Secretary concerned
6 may authorize—

7 “(1) reimbursement for the commercial cost of the transpor-
8 tation; or

9 “(2) a monetary allowance at the prescribed rate for all, or
10 that part, of the travel for which transportation in kind is not
11 furnished.

12 “(f) The Secretary concerned may store the household and personal
13 effects of a member described in subsection (b) of this section until
14 proper disposition can be made. The cost of the storage and trans-
15 portation (including packing, crating, drayage, temporary storage,
16 and unpacking) of household and personal effects shall be charged
17 against appropriations currently available.

18 “(g) The Secretary concerned may, when he determines that there
19 is an emergency and a sale would be in the best interests of the United
20 States, provide for the public or private sale of motor vehicles and
21 other bulky items of household and personal effects of a member de-
22 scribed in subsection (b) of this section. Before a sale, and if prac-
23 ticable, a reasonable effort shall be made to determine the desires of
24 the interested persons. The net proceeds received from the sale shall,
25 under regulations prescribed by the Secretary concerned, be sent to
26 the owner or other persons. If there are no such persons, or if they
27 or their addresses are not known within one year from the date of
28 sale, the net proceeds may be covered into the Treasury as miscel-
29 laneous receipts.

30 “(h) Claims for net proceeds that are covered into the Treasury
31 under subsection (g) of this section may be filed with the General Ac-
32 counting Office by the rightful owners, their heirs or next of kin, or
33 their legal representatives at any time before the end of a 5-year period
34 from the date the proceeds are covered into the Treasury. When a
35 claim is filed, the General Accounting Office shall allow or disallow it.
36 A claim that is allowed shall be paid from the appropriation for
37 refunding money erroneously received and covered. If a claim is not
38 filed before the end of the 5-year period from the date the proceeds
39 are covered into the Treasury, it is barred from being acted on by the
40 courts or the General Accounting Office.

1 “(i) This section does not amend or repeal—

2 “(1) section 2575, 2733, 4712, 4713, 6522, 9712, or 9713 of title 10;

3 “(2) section 507 of title 14; or

4 “(3) chapter 171 of title 28.

5 **“§ 555. Secretarial review**

6 “(a) When a member of a uniformed service entitled to pay and
7 allowances under section 552 of this title has been in a missing status,
8 and the official report of his death or of the circumstances of his absence
9 has not been received by the Secretary concerned, he shall, before the
10 end of a 12-month period in that status, have the case fully reviewed.
11 After that review and the end of the 12-month period in a missing
12 status, or after a later review which shall be made when warranted by
13 information received or other circumstances, the Secretary concerned,
14 or his designee, may—

15 “(1) if the member can reasonably be presumed to be living,
16 direct a continuance of his missing status; or

17 “(2) make a finding of death.

18 “(b) When a finding of death is made under subsection (a) of this
19 section, it shall include the date death is presumed to have occurred
20 for the purpose of—

21 “(1) ending the crediting of pay and allowances;

22 “(2) settlement of accounts; and

23 “(3) payment of death gratuities.

24 That date is—

25 “(A) the day after the day on which the 12-month period in a
26 missing status ends; or

27 “(B) if the missing status has been continued under subsection
28 (a) of this section, the day determined by the Secretary con-
29 cerned, or his designee.

30 “(c) For the sole purpose of determining status under this section, a
31 dependent of a member on active duty is treated as if he were a mem-
32 ber. Any determination made by the Secretary concerned, or his
33 designee, under this section is conclusive on all other departments and
34 agencies of the United States. This subsection does not entitle a de-
35 pendent to pay, allowances, or other compensation to which he is not
36 otherwise entitled.

37 **“§ 556. Secretarial determinations**

38 “(a) The Secretary concerned, or his designee, may make any deter-
39 mination necessary to administer this chapter and, when so made, it is
40 conclusive as to—

41 “(1) death or finding of death;

1 “(2) the fact of dependency under this chapter;

2 “(3) the fact of dependency for the purpose of paying six
3 months’ death gratuities authorized by law;

4 “(4) the fact of dependency under any other law authorizing
5 the payment of pay, allowances, or other emoluments to enlisted
6 members of the armed forces, when the payments are contingent
7 on dependency;

8 “(5) any other status covered by this chapter;

9 “(6) an essential date, including one on which evidence or in-
10 formation is received by the Secretary concerned; and

11 “(7) whether information received concerning a member of a
12 uniformed service is to be construed and acted on as an official
13 report of death.

14 “(b) When the Secretary concerned receives information that he
15 considers establishes conclusively the death of a member of a uni-
16 formed service, he shall, notwithstanding any earlier action relating
17 to death or other status of the member, act on it as an official report
18 of death. After the end of the 12-month period in a missing status pre-
19 scribed by section 555 of this title, the Secretary concerned, or his
20 designee, shall, when he considers that the information received, or a
21 lapse of time without information, establishes a reasonable presump-
22 tion that a member in a missing status is dead, make a finding of death.

23 “(c) The Secretary concerned, or his designee, may determine the
24 entitlement of a member to pay and allowances under this chapter,
25 including credits and charges in his account, and that determination
26 is conclusive. An account may not be charged or debited with an
27 amount that a member captured, beleaguered, or besieged by a hostile
28 force may receive or be entitled to receive from, or have placed to
29 his credit by, the hostile force as pay, allowances, or other compensa-
30 tion.

31 “(d) The Secretary concerned, or his designee, may, when war-
32 ranted by the circumstances, reconsider a determination made under
33 this chapter, and change or modify it.

34 “(e) When the account of a member has been charged or debited
35 with an allotment paid under this chapter, the amount so charged or
36 debited shall be recredited to the account of the member if the Sec-
37 retary concerned, or his designee, determines that the payment was
38 induced by fraud or misrepresentation to which the member was not
39 a party.

1 “(f) Except an allotment for an unearned insurance premium, an
2 allotment paid from pay and allowances of a member for the period
3 he is entitled to pay and allowances under section 552 of this title
4 may not be collected from the allottee as an overpayment when it
5 was caused by delay in receiving evidence of death. An allotment
6 payment for a period after the end of entitlement to pay and allow-
7 ances under this chapter, or otherwise, which was caused by delay in
8 receiving evidence of death, may not be collected from the allottee or
9 charged against the pay of the deceased member.

10 “(g) The Secretary concerned, or his designee, may waive the re-
11 covery of an erroneous payment or overpayment of an allotment to a
12 dependent if he considers recovery is against equity and good con-
13 science.

14 “(h) For the sole purpose of determining status under this section,
15 a dependent of a member of a uniformed service on active duty is
16 treated as if he were a member. Any determination made by the
17 Secretary concerned, or his designee, under this section is conclusive
18 on all other departments and agencies of the United States. This
19 subsection does not entitle a dependent to pay, allowances, or other
20 compensation to which he is not otherwise entitled.

21 **“§ 557. Settlement of accounts**

22 “(a) The Secretary concerned, or his designee, may settle the ac-
23 count of—

24 “(1) a member of a uniformed service for whose account pay-
25 ments have been made under sections 552, 553, and 555 of this
26 title; and

27 “(2) a survivor of a casualty to a ship, station, or military in-
28 stallation which results in the loss or destruction of disbursing
29 records.

30 That settlement is conclusive on the accounting officers of the United
31 States in settling the accounts of disbursing officers.

32 “(b) Payment or settlement of an account made pursuant to a report,
33 determination, or finding of death may not be recovered or reopened
34 because of a later report or determination which fixes a date of death.
35 However, an account shall be reopened and settled on the basis of a
36 date of death so fixed which is later than that used as a basis for earlier
37 settlements.

38 “(c) In the settlement of his accounts, a disbursing officer is entitled,
39 if there is no fraud or criminality by him, to credit for an erroneous

payment or overpayment he made in carrying out this chapter, except section 558. Unless there is fraud or criminality by him, recovery may not be made from a civilian officer or employee or a member of a uniformed service who authorizes a payment under this chapter, except section 558.

“§ 558. Income tax deferment

“Notwithstanding any other provision of law, in the case of a taxable year beginning after December 31, 1940, a Federal income tax return of, or the payment of a Federal income tax by, a member of a uniformed service who, at the time the return or payment would otherwise become due, is in a missing status, does not become due until the earlier of the following dates—

“(1) the fifteenth day of the third month in which he ceased (except by reason of death or incompetency) being in a missing status, unless before the end of that fifteenth day he is again in a missing status; or

“(2) the fifteenth day of the third month after the month in which an executor, administrator, or conservator of the estate of the taxpayer is appointed.

That due date is prescribed subject to the power of the Secretary of the Treasury or his delegate to extent the time for filing the return or paying the tax, as in other cases, and to assess and collect the tax as provided by sections 6851, 6861, and 6871 of title 26 in cases in which the assessment or collection is jeopardized and in cases of bankruptcy or receivership.”

SEC. 6. (a) The analysis of chapter 95 of title 39, United States Code, is amended by adding the following:

“6216. Railroad operations, receipts and expenditures.”

(b) Chapter 95 of title 39, United States Code, is amended by adding the following new section:

“§ 6216. Railroad operations, receipts and expenditures

“The Postmaster General shall request all railroad companies transporting the mails to furnish, under seal, such data relating to the operating, receipts and expenditures of such roads as may, in his judgment, be deemed necessary to enable him to ascertain the cost of mail transportation and the proper compensation to be paid for the same. He shall, in his annual report to Congress, make such recommendations, founded on the information obtained under this section, as shall, in his opinion, be just and equitable.”

1 SEC. 7. (a) The legislative purpose in enacting sections 1-6 of this
2 Act is to restate, without substantive change, the laws replaced by
3 those sections on the effective date of this Act. Laws effective after
4 June 30, 1965, that are inconsistent with this Act are considered as
5 superseding it to the extent of the inconsistency.

6 (b) A reference to a law replaced by sections 1-6 of this Act, includ-
7 ing a reference in a regulation, order, or other law, is deemed to refer
8 to the corresponding provision enacted by this Act.

9 (c) An order, rule, or regulation in effect under a law replaced by
10 sections 1-6 of this Act continues in effect under the corresponding
11 provision enacted by this Act until repealed, amended, or superseded.

12 (d) An action taken or an offense committed under a law replaced
13 by sections 1-6 of this Act is deemed to have been taken or committed
14 under the corresponding provision enacted by this Act.

15 (e) An inference of a legislative construction is not to be drawn
16 by reason of the location in the United States Code of a provision
17 enacted by this Act or by reason of the caption or catchline thereof.

18 (f) The enactment of this Act does not increase or decrease the pay,
19 allowances, compensation, or annuity of any person.

20 (g) If a provision enacted by this Act is held invalid, all valid
21 provisions that are severable from the invalid provision remain in
22 effect. If a provision of this Act is held invalid in one or more of its
23 applications, the provision remains in effect in all valid applications
24 that are severable from the invalid application or applications.

25 (h) Sections 1-6 of this Act shall be construed to apply to com-
26 missioned officers of the Public Health Service and commissioned of-
27 ficers of the Coast and Geodetic Survey to the same extent that the
28 laws replaced by those sections applied to these officers immediately
29 before the date of enactment of this Act.

30 SEC. 8. (a) The laws specified in the following schedule are repealed
31 except with respect to rights and duties that matured, penalties that
32 were incurred, and proceedings that were begun, before the effective
33 date of this Act and except as provided by section 7 of this Act.

34 (b) The right to a deferred annuity on satisfaction of the condi-
35 tions attached thereto is continued notwithstanding the repeal of the
36 law conferring the right.

- 1 (c) The repeal of a law by this Act may not be construed as a
 2 legislative inference that the provision was or was not in effect before
 3 its repeal.

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1894				
May 11	73.....	(penultimate par.).....	28	7
June 19	108.....	(penultimate par.).....	28	93
June 28	118.....		28	96
July 31	174.....	1 (2d par. under "Civil Service Commission").....	28	169
Do.....	174.....	1 (words between 1st and 2d semicolons under "General Land Office").	28	193
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Aug. 3	202.....		28	225
Aug. 14	287.....	15.....	28	285
Aug. 15	290.....	1 (2d proviso on p. 288).....	28	288
Aug. 18	301.....	1 (2d par. on p. 391).....	28	391
Aug. 23	307.....	1 (last par. on p. 426).....	28	426
Do.....	308.....		28	488
Aug. 27	349.....	33, 64, 65.....	28	557, 567
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1895				
Jan. 12	23.....	23, 44, 46, 48, 73 (9th and 10th pars. on p. 618).....	28	604, 607, 608, 618
Feb. 11	80.....	3.....	28	651
Feb. 28	138.....	1-3, 6.....	28	689, 690
Mar. 1	146.....	2.....	28	699
Mar. 2	172.....	2.....	28	741
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Do.....	176.....	1 (2d proviso on p. 753).....	28	753
Do.....	176.....	1 (1st proviso on p. 757).....	28	757
Do.....	177.....	1 (5th full par. on p. 777).....	28	777
Do.....	177.....	1 (words between 1st and 2d semicolons under "General Land Office").	28	794
Do.....	177.....	1 (2d proviso and sentence following 2d proviso on p. 796).	28	796
Do.....	189.....	1 (3d par. on p. 919).....	28	919
1896				
Feb. 26	34.....	(par. under "Inspection of Consulates").....	29	36
Mar. 16	58.....		29	60
Mar. 28	73.....		29	75
May 28	252.....	1 (words between 1st and 2d semicolons under "General Land Office").	29	168
Do.....	252.....	3.....	29	179
June 3	313.....		29	198
June 9	387.....	("Sec. 4").....	29	317
June 10	398.....	1 (2d proviso and sentence following 2d proviso on p. 323).	29	323
June 11	419.....	1 (proviso on p. 402).....	29	402
Do.....	419.....	1 (provisos on p. 405).....	29	405
Do.....	419.....	1 (par. beginning "Industrial Home School").....	29	410
Dec. 22	2.....	(2d sentence in par. which begins "For fees and expenses".)	29	479
1897				
Feb. 15	231.....		29	530
Feb. 19	265.....	1 (words between 1st and 2d semicolons under "General Land Office").	29	567
Mar. 3	387.....	1 (1st full par. on p. 677 and 2d sentence under "For the Fire Department").	29	677
Apr. 23	1.....	(4th full par. on p. 10).....	30	10
June 4	2.....	1 (2d proviso on p. 29).....	30	29
June 7	3.....	1 (last proviso on p. 86).....	30	86
July 24	11.....	29 (last sentence).....	30	211
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Do.....	68.....	7.....	30	316
June 6	389.....	30	432
July 1	546.....	1 (3d proviso on p. 644).....	30	644
July 7	571.....	1 (1st par. on p. 653).....	30	653
1899				
Feb. 4	89.....	(2d sentence in par. which begins "For fees and expenses".)	30	820
Feb. 21	176.....	4.....	30	842
Feb. 24	187.....	1 (14th par. on p. 864).....	30	864
Do.....	187.....	1 (words between 1st and 2d semicolons under "General Land Office").	30	877
Do.....	187.....	4.....	30	890
Mar. 3	427.....	1 (2d par. under "Treasury Department").....	30	1215
1900				
Apr. 4	158.....	(2d sentence in par. which begins "For fees and expenses".)	31	60
Apr. 12	191.....	26, 29, 36, 37, 40.....	31	82, 85, 86
Apr. 17	192.....	1 (2d sentence of 2d par. under "War Department").....	31	113
Do.....	192.....	1 (words between 1st and 2d semicolons under "General Land Office").	31	121
Do.....	192.....	3.....	31	133
May 25	555.....	(last 39 words in 2d par. on p. 202).....	31	202
Do.....	555.....	(last sentence on p. 203).....	31	203
May 26	589.....	.....	31	218
May 31	598.....	1 (proviso on p. 239).....	31	239
Do.....	598.....	2 (2d proviso).....	31	246
June 2	614.....	.....	31	262
June 6	789.....	1 (1st 3 pars. under "Public Schools").....	31	564, 565
Do.....	789.....	1 (proviso on p. 566).....	31	566
Do.....	789.....	1 (proviso on p. 577).....	31	577
Do.....	791.....	1 (par. beginning "Enforcement of the Chinese Exclusion Act").	31	610
Do.....	791.....	1 (2d par. under "Antietam Battlefield").....	31	630
1901				
Feb. 1	190.....	.....	31	746
Feb. 12	363.....	(2d sentence in par. which begins "For fees and expenses".)	31	788
Feb. 27	615.....	.....	31	816
Feb. 28	622.....	3.....	31	819
Mar. 2	805.....	(1st par. on p. 924).....	31	924
Do.....	805.....	(last 39 words preceding 3d proviso on p. 926).....	31	926
Do.....	806.....	12.....	31	949
Do.....	809.....	3.....	31	951
Mar. 3	830.....	1 (words between 1st and 2d semicolons under "General Land Office").	31	996
Do.....	830.....	3.....	31	1009
Do.....	832.....	1 (1st proviso on p. 1075).....	31	1075
Do.....	832.....	2 (2d proviso).....	31	1083
Do.....	853.....	1 (2d par. under "Antietam Battlefield").....	31	1172
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Do.....	854.....	1189.....	31	1378
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1902				
Feb. 14	17.....	1 (3d par. under "Treasury Department").....	32	6
Do.....	17.....	1 (par. under "Pensions").....	32	23
Apr. 28	594.....	1 (2d par. under "Collecting Internal Revenue").....	32	142
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May 2	679		32	184
May 27	888	1 (par. beginning "At Yankton Agency")	32	246
Do.	888	1 (2d proviso on p. 261)	32	261
Do.	888	2 (2d proviso)	32	274
June 3	985	(2d par. under "General Expenses, Weather Bureau")	32	287
Do.	985	(last 45 words preceding 1st proviso on p. 290)	32	290
Do.	985	(1st proviso on p. 303)	32	303
June 17	1093	5 (last sentence)	32	389
June 28	1301	1 (2d par. under "Antietam Battlefield")	32	464
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July 1	1369		32	691
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1903				
Feb. 14	552	1 (83d through 99th words)	32	825
Do.	552	6	32	827
Do.	552	10 (2d par.)	32	829
Feb. 19	707	(1st 3 pars.)	32	841
Feb. 25	755	1 (words between 1st and 2d semicolons under "General Land Office").	32	892
Mar. 3	944	1 (1st proviso on p. 997)	32	997
Do.	944	2 (3d proviso)	32	1006
Do.	1006	1 (so much of 2d par. under "Department of Justice" as provides for appointment, pay, and duties of an additional Assistant Attorney General and an assistant to the Attorney General).	32	1062
Do.	1007	1 (2d par. under "Antietam Battlefield")	32	1128
1904				
Jan. 20	40		33	9
Mar. 18	716	1 (words between 1st and 2d semicolons under "General Land Office").	33	124
Apr. 21	1402	1 (provisos on p. 190)	33	190
Do.	1402	1 (last proviso on p. 206)	33	206
Do.	1402	2 (2d proviso)	33	216
Apr. 23	1485	(3d proviso on p. 270)	33	270
Do.	1486	(par. under "Salaries, Weather Bureau")	33	278
Apr. 28	1762	1 (9th par. on p. 478)	33	478
Do.	1762	1 (2d par. under "Antietam Battlefield")	33	496
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Do.	1783		33	538
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Do.	1806	6	33	552
1905				
Jan. 19	49		33	609
Feb. 3	297	1 (proviso on p. 642)	33	642
Do.	297	1 (proviso on p. 652)	33	652
Do.	297	1 (1st full par. on p. 659)	33	659
Do.	297	1 (words between 1st and 2d semicolons under "General Land Office").	33	670
Feb. 6	453	7	33	692
Mar. 3	1405	(par. under "Salaries, Weather Bureau")	33	863
Do.	1405	(last 2 pars.)	33	883
Do.	1406	1 (proviso on p. 898)	33	898
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Do.	1479	1 (last proviso on p. 1060)	33	1060
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May 7	2083	2	34	170
June 16	3337	(par. under "Clerks at Embassies and Legations")	34	288
June 19	3436	3	34	303
June 20	3443	4	34	315
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June 21	3504	(3d proviso on p. 326)	34	326
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June 22	3514	1 (1st proviso on p. 401)	34	401
Do	3514	1 (3d proviso on p. 417)	34	417
Do	3514	1 (words between 1st and 2d semicolons under "General Land Office").	34	429
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June 25	3528		34	456
June 27	3553	1 (provisos on p. 500)	34	500
Do	3553	1 (1st proviso on p. 506)	34	506
June 30	3912	4	34	669
Do	3913	(par. under "Salaries, Weather Bureau")	34	672
Do	3913	(words between last semicolon on p. 673 and 1st proviso on p. 674.)	34	673
Do	3913	(3d par. on p. 678)	34	678
Do	3913	(1st full sentence on p. 681)	34	681
Do	3913	(1st full sentence on p. 694)	34	694
Do	3913	(3d full par. on p. 695, less 3d proviso)	34	695
Do	3913	(3d proviso on p. 695)	34	695
Do	3914	1 (2d par. under "Antietam Battlefield")	34	741
Do	3914	4 (last sentence)	34	763
Do	3914	6	34	763
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1907				
Feb. 1	444	2	34	874
Feb. 20	1134	34	34	908
Feb. 22	1184	(par. under "Clerks at Embassies and Legations")	34	918
Do	1184	(2d par. under "Schedule C")	34	923
Feb. 26	1635	1 (1st proviso on p. 947)	34	947
Do	1635	1 (words between 1st and 2d semicolons under "General Land Office").	34	975
Do	1635	4	34	993
Mar. 1	2285	(2d proviso on p. 1015)	34	1015
Do	2285	(1st proviso on p. 1017)	34	1017
Mar. 2	2558		34	1241
Do	2574		34	1252
Mar. 4	2907	(56th through 132d words in 3d par. on p. 1258)	34	1258
Do	2907	(words between 1st semicolon and 1st proviso on p. 1260.)	34	1260
Do	2907	(1st full sentence on p. 1267)	34	1267
Do	2907	(1st full sentence on p. 1270)	34	1270
Do	2907	(words between 2d semicolon and the proviso in the 4th full sentence on p. 1272.)	34	1272
Do	2907	(1st 46 words of 4th par. on p. 1280)	34	1280
Do	2918	1 (2d par. under "Antietam Battlefield")	34	1346
Do	2931		34	1412
1908				
Mar. 16	93	2	35	45
Mar. 26	99		35	46
Apr. 30	153	(1st proviso on p. 72)	35	72
May 11	162	("Sec. 5")	35	103
Do	164		35	125
May 21	183	(par. under "Clerks at Embassies and Legations")	35	173
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May 23	192	(4th par. on p. 267)	35	267
May 26	198	6	35	311
May 27	200	1 (2d par. under "Antietam Battlefield")	35	362
May 28	212	9	35	428
May 29	220	13 (last sentence)	35	468
May 30	236		35	556
1909				
Feb. 6	77	(last sentence)	35	598
Feb. 17	137		35	626
Feb. 18	148		35	637
Feb. 24	179		35	645
Feb. 27	223		35	657
Mar. 2	235	(par. under "Clerks at Embassies and Legations")	35	674
Mar. 3	250	1 (proviso on p. 691)	35	691
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Mar. 4	297	1 (proviso on p. 876)	35	876
Do	297	1 (words between 1st and 2d semicolons under "General Land Office").	35	889
Do	299	1 (proviso on p. 983)	35	983
Do	299	1 (2d par. under "Antietam Battlefield")	35	1002
Do	301	(3d par. under "Miscellaneous")	35	1057
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1910				
Feb. 25	62	1 (2d par. under "Judicial")	36	214
May 6	199	(par. under "Clerks at Embassies and Legations")	36	338
May 18	248	1 (proviso on p. 377)	36	377
May 26	256	(1st proviso)	36	416
June 17	297	1 (2d par. under "Civil Service Commission")	36	483
Do	297	1 (last 16 words in 3d full par. on p. 508)	36	508
Do	297	1 (proviso on p. 511)	36	511
Do	297	1 (words between 1st and 2d semicolons under "General Land Office").	36	512
June 25	384	1 (2d par. under "Antietam Battlefield")	36	723
Do	384	1 (2d sentence of 3d par. on p. 750)	36	750
Do	384	1 (proviso on p. 765)	36	765
Do	384	1 (proviso on p. 767)	36	767
Do	385	(last sentence on p. 799)	36	799
Do	397		36	828
Do	411		36	838
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1911				
Jan. 11	25		36	894
Feb. 13	43		36	898
Feb. 24	149		36	928
Mar. 2	192	1 (last full par. on p. 967)	36	967
Mar. 3	208	(par. under "Clerks at Embassies and Legations").	36	1029
Do	210	1 (last proviso on p. 1059)	36	1059
Mar. 4	237	1 (1st proviso on p. 1185)	36	1185
Do	238	(1st 19 words of last par. on p. 1258, and 1st par. on p. 1259).	36	1258, 1259
Do	238	(penultimate par.)	36	1265
Do	285	1 (2d proviso on p. 1394)	36	1394
Do	285	1 (2d par. under "Antietam Battlefield")	36	1400
1912				
Feb. 10	35		37	63
Mar. 11	57		37	74
Apr. 30	97	(par. under "Clerks at Embassies and Legations")	37	96
May 10	117		37	110
June 15	168		37	133
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Do	182	1 (1st full par. on p. 164)	37	164
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July 25	253	1 (2d par. on p. 218)	37	218
Aug. 10	284	(6th and 7th pars. on p. 300)	37	300
Aug. 17	301	1 (3d par. on p. 312)	37	312
Aug. 23	350	1 (last par. under "Civil Service Commission")	37	372
Do	350	5	37	414
Aug. 24	355	1 (2d par. under "Antietam Battlefield")	37	440
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Do	388	1 (1st proviso on p. 519)	37	519
Do	388	1 (2d proviso on p. 521)	37	521
Do	389	6	37	555
Do	390	5 (last par.)	37	563
1913				
Feb. 28	86	1 (par. under "Clerks at Embassies and Legations")	37	689
Mar. 4	141	1 (75th through 91st words)	37	736
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Do	145	(penultimate par. on p. 843)	37	843
Do	145	(3d and 5th full pars. on p. 854)	37	854
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Do	150	8 (2d par. of Par. 97)	37	996
Do	150	9 (1st par. of Par. 2)	37	997
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Do	159		37	1013
June 23	3	1 (2d par. under "Antietam Battlefield")	38	31
June 30	4	1 (4th proviso on p. 78)	38	78
Sept. 4	10		38	110
Oct. 3	16	II-N	38	180, 181
Oct. 22	32	1 (proviso under "Civil Service Commission")	38	208
Do	32	1 (last par. under "Interstate Commerce Commission").	38	212
Do	32	1 (so much of 1st par. under "Department of Justice" as fixed the pay of the Assistant to the Attorney General).	38	218
1914				
Apr. 6	52	1 (4th par. on p. 318)	38	318
Do	52	1 (last par.)	38	330
Do	52	5	38	335
May 16	91		38	378
Do	92		38	378
June 30	131	(4th and 6th full pars. on p. 441)	38	441
Do	132	(par. under "Clerks at Embassies and Legations")	38	444
July 16	141	1 (5th par. under "Civil Service Commission")	38	465
Do	141	1 (words between 1st and 2d and 3d and 4th semicolons under "Department of Justice").	38	497
Do	141	1 (1st proviso on p. 497)	38	497
Do	141	1 (par. beginning "Commercial attaches")	38	500
Do	141	6	38	509
July 21	191	1 (proviso on p. 519)	38	519
Do	191	1 (2d and 7th pars. under "Public Schools")	38	532
Aug. 1	222	1 (2d proviso on p. 583)	38	583
Do	223	1 (2d par. on p. 631)	38	631
Do	223	1 (last par. on p. 658)	38	658
Do	223	1 (provisos on p. 666)	38	666
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Mar. 4	141	1 (last par. beginning on p. 1007)	38	1007
Do	141	1 (words between 3d and 4th semicolons under "Department of Justice").	38	1038
Do	141	1 (par. beginning "Commercial attaches")	38	1041
Do	141	6	38	1049
Do	145	(par. under "Clerks at Embassies and Legations")	38	1117
1916				
Feb. 28	37	1 (par. under "Bureau of Efficiency")	39	15
Apr. 27	89		39	54
May 10	117	1 (2d par. on p. 104)	39	104
Do	117	1 (par. beginning "Commercial attaches")	39	111
May 18	125	1 (3d proviso on p. 124)	39	124
June 15	147	3	39	227
July 1	208	(par. under "Clerks at Embassies and Legations")	39	253
Do	209	1 (2d par. under "Antietam Battlefield")	39	287
July 17	245	28 (3d par.)	39	381
July 28	261	1 (6th par. on p. 413)	39	413
Aug. 29	416	20	39	552
Do	418	1 (2d proviso on p. 624)	39	624
Sept. 1	433	1 (1st 7 provisos under "Public Schools")	39	693, 694
Do	433	1 (par. beginning "Longevity Pay")	39	694
Sept. 7	458		39	742
Sept. 8	463	700, 701, 705, 707, 708	39	795-798
1917				
Feb. 23	114	6	39	932
Mar. 2	146	1 (4th proviso on p. 969)	39	969
Do	152	4	39	997
Mar. 3	160	1 (2d par. on p. 1012)	39	1012
Do	160	1 (1st 4 provisos under "Public Schools")	39	1021, 1022
Do	160	1 (par. beginning "Longevity Pay")	39	1022
Do	161	(par. under "Clerks at Embassies and Legations")	39	1048
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Do	163	1 (words between 1st and 2d semicolons under "Department of Justice").	39	1110
Do	163	1 (par. beginning "Commercial attaches")	39	1113
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Do	171	1	39	1132
May 12	12	(3d proviso on p. 72)	40	72
May 18	15	4, 6	40	78, 80
June 12	27	1 (2d par. under "Antietam Battlefield")	40	130
Aug. 9	50	3	40	271
Aug. 10	52	5	40	274
Do	52	8 (last proviso)	40	275
Do	53	20	40	283
Oct. 6	79	1 (4th par. on p. 346)	40	346
Do	79	1 (3d par. on p. 347)	40	347
Do	79	1 (1st proviso on p. 364)	40	364
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1918				
Mar. 21	25	3	40	454
Mar. 27	27		40	459
Mar. 28	28	2	40	498
Apr. 5	45	1, 2, 5-19	40	506-512
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Do	45	300, 302-306	40	514, 515
Apr. 15	52	(par. under "Clerks at Embassies and Legations")	40	520
Do	52	(last proviso on p. 523)	40	523
May 20	78		40	556
June 26	105		40	616
July 1	113	1 (proviso on p. 652)	40	652
Do	113	1 (2d par. under "Antietam Battlefield")	40	656
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July 3	130	1 (2d par. on p. 799)	40	799
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May 22	195	-----	41	614
May 29	214	1 (3d full par. on p. 655)	41	655
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June 4	223	1 (par. under "Clerks at Embassies and Legations")	41	740
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June 5	234	1 (1st 10 provisos under "Public Schools")	41	850, 851
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June 3	168		55	241
June 9	189		55	247
June 28	258	(1st full par. and words between 4th and 8th commas of 3d full par. on p. 277.)	55	277
Do	259	1 (1st proviso on p. 306)	55	306
Do	259	5	55	360
July 1	267	1 (3d proviso)	55	408
Do	270	1	55	498
Do	271	1 (3d full par. on p. 512)	55	512
Aug. 1	348		55	616
Aug. 21	385		55	654
Nov. 21	494		55	779
Dec. 18	593	(less §§ 301 and 303)	55	838
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Do	637		55	872
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Mar. 10	178	1 (2d proviso on p. 152)	56	152
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Apr. 7	220		56	200
Apr. 28	246	6	56	225
May 2	277		56	266
June 11	404	1, 4	56	351, 353
June 23	444	1 (last par. on p. 389)	56	389
June 27	450	1 (85 words before 2d semicolon under "Federal Housing Administration").	56	401
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July 2	472	(1st full par. on p. 480)	56	480
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July 3	482		56	645
July 22	516	1 (2d proviso on p. 665)	56	665
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July 29	533		56	725
Oct. 2	577		56	765
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Dec. 24	828		56	1092
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Mar. 2	7		57	4
Mar. 31	30	101 (last 32 words of 2d par. under "Coast Guard")	57	55
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Apr. 29	82	3	57	71
May 7	93		57	75
June 15	126	9	57	155
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Do	147	101 (29 words before 8th semicolon in par. beginning "Pay and allowances").	57	210
June 30	179	(last proviso on p. 260)	57	260
July 1	182	(par. beginning on p. 282 and ending on p. 283)	57	282
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July 12	215	1 (2d proviso)	57	392
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Feb. 28	71	1	58	105
Apr. 4	163		58	189
Apr. 22	175	1 (last proviso on p. 204)	58	204
Apr. 24	177	1, 2	58	215
June 22	269	101 (29 words before 8th semicolon in par. beginning "Pay and allowances").	58	315
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June 26	274		58	326
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June 27	286	101 (85 words before 2d semicolon on p. 377)	58	377
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June 28	294	101 (1st full par. on p. 407)	58	407
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Apr. 30	243	101	60	128
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May 18	263	101 (parenthetical expression in 1st par. on p. 185)	60	185
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June 29	519		60	339
July 1	529	6	60	385
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June 29	479.....	3.....	70	453
July 11	554.....		70	519
July 20	658.....		70	595
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Aug. 1	830.....	4.....	70	805
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Aug. 2	901.....		70	955
Aug. 3	926.....	1.....	70	980
Aug. 10	1041.....	21 (1st sentence of § 302), 28, 29.....	70A	629, 631, 632

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June 17	85-56.....	2201(2), (17), (19), (20), (21).....	71	157, 158, 159
June 29	85-65.....		71	209
July 1	85-75.....	101 (proviso on p. 248).....	71	248
July 11	85-101.....		71	293
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Aug. 14	85-136.....		71	352
Aug. 26	85-167.....	205 (words after 2d semicolon).....	71	423
Aug. 28	85-170.....	314.....	71	430
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Feb. 12	85-326.....		72	14
Mar. 17	85-349.....		72	48
Apr. 11	85-377.....	1 (less applicability to § 10).....	72	87
May 27	85-426.....	214(b) (words before comma).....	72	143
May 29	85-432.....	4, 5.....	72	151
June 20	85-462.....	1.....	72	203
Do.....	85-462.....	2.....	72	203
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Do.....	85-462.....	12 (a)-(d).....	72	213A
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July 3	85-499.....		72	296
July 7	85-507.....	(less §§ 2(1)-(3), 21(b), (c)).....	72	327
Do.....	85-508.....	12(q).....	72	349

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July 25	85-550	16 (a), (b) (1)	72	411
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Aug. 27	85-772		72	930
Aug. 28	85-791	31	72	951
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Do	85-844	101 (par. under "Civil Service Retirement and Disability Fund").	72	1064
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May 26	86-33		73	62
May 29	86-36	1, 7	73	63, 64
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July 31	86-122	1, 2(a), 3(a)	73	268
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Aug. 14	86-158	201 (proviso on p. 354)	73	354
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Aug. 29	86-211	8(b)	73	436
Sept. 9	86-243	2	73	474
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June 11	86-507	1(1)	74	200
June 29	86-533	(1)	74	245
June 30	86-559	7	74	282
July 1	86-568	111	74	298
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Sept. 6	86-707	1	74	792
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Sept. 8	86-723	10(d)	74	832
Sept. 13	86-767		74	906
Do	86-768		74	910
Do	86-769	4	74	912
Do	86-778	531(e), (f), (g) (as applicable to sections 1501(a) and 1507(a) of the Social Security Act).	74	984
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Sept. 13	87-224	1	75	496
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Sept. 14	87-233	2	75	507
Sept. 21	87-270	101-103	75	567-569
Sept. 22	87-293	5 (d), (f) (as applicable to the Civil Service Retirement Act, as amended).	75	613, 614
Do	87-293	21	75	623
Sept. 26	87-299	1 (less "Sec. 12")	75	640
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Oct. 4	87-350	(less § 1(b))	75	770
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Do	87-367	305	75	794
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Aug. 13	87-581	201	76	360
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Aug. 29	87-614		76	408
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Oct. 5	87-753		76	750
Oct. 9	87-776		76	777
Oct. 11	87-793	115	76	836
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July 2	88-352-----	701(b)(2d proviso)-----	78	254
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Aug. 21	88-471-----	1-5, 6(a)-(d), 8-----	78	582-584
Aug. 30	88-499-----	1, 2 (e), 3-7-----	78	615-618
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89TH CONGRESS
1ST SESSION

H. R. 10104

[Report No. 901]

A BILL

To enact title 5, United States Code, "Government Organization and Employees", codifying the general and permanent laws relating to the organization of the Government of the United States and to its civilian officers and employees.

By Mr. Celler .

JULY 27, 1965

Referred to the Committee on the Judiciary

AUGUST 31, 1965

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Sept. 7, 1965

11. **MARKETING ORDERS.** Passed with an amendment H. R. 10206, to permit the continuation of container and pack requirements under existing marketing agreements and orders even when the price of the affected commodity is above parity, and to permit provisions for marketing research and development programs, including advertising, to be incorporated into marketing agreements and orders for carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, or avocados. Agreed to an amendment by Rep. de la Garza to strike out a provision of the bill which would have permitted the development of a marketing agreement or order for onions for canning or freezing. p. 22105
12. **MILITARY CONSTRUCTION.** By a vote of 347 to 0, passed under suspension of the rules H. R. 10775, the military construction authorization bill which includes an item for payment of CCC for certain family housing which was financed from the sale of surplus commodities (pp. 22116-35). By a vote of 320 to 19, tabled a motion by Rep. Hall to consider the President's veto of H. R. 8439, the military construction authorization bill passed earlier this session (pp. 22115-6).
13. **RECLAMATION.** Passed with amendment S. 602, to amend the Small Reclamation Projects Act of 1956, after substituting the language of a similar bill, H. R. 4851, which had been passed earlier under suspension of the rules. H. R. 4851 was tabled. This bill includes a provision extending the Small Reclamation Projects Act to all 50 States (instead of the seventeen western reclamation States). pp. 22154-7
14. **ORGANIZATION; PERSONNEL.** Passed without amendment H. R. 10104, to enact title 5, U. S. Code, "Government Organization and Employees," codifying the general and permanent laws relating to the organization of the Federal Government and to its civilian employees. p. 22109
15. **COPYRIGHTS.** Passed under suspension of the rules H. R. 2853, to increase the fees payable to the Copyright Office so as to produce a more appropriate ratio between receipts and expenditures of the Office. pp. 22164-5
16. **COTTON.** Reps. Whitener, Cooley, Ashmore, and Fountain criticized the cotton provisions of the farm bill reported by the Senate Agriculture and Forestry Committee which would provide for a "two price cotton system." pp. 22172-5
17. **MILK; MARKETING ORDERS.** Rep. Horton spoke in support of his bill, H. R. 6081, to provide authority for dairy farmers in a Federal milk marketing order to use their own funds to support promotion, advertising, and research of milk and dairy products, and stated that he had written Secretary Freeman urging his support of the bill. pp. 22176-7
18. **FOREIGN AID.** Rep. Matsunaga commended the participation of private enterprise in the foreign aid program, including assistance in the establishment of agricultural credit banks and the establishment of an electric cooperative in Santo Domingo. pp. 22171-2
Rep. Ford recommended that the President "appeal to leaders of India and Pakistan to halt the fighting or be denied U. S. economic assistance." p. 22177
19. **WATER RESOURCES.** Rep. Johnson, Calif., commended and inserted the President's remarks in approving H. R. 485, to authorize construction of the Auburn-Folsom south unit of the Central Valley project, Calif. pp. 22179-80
20. **4-H CLUBS.** Rep. Natcher commended the work of the 4-H Clubs. p. 22180

21. DATA PROCESSING. Rep. Fascell spoke in support of H. R. 4845, to authorize GSA to coordinate and provide for the procurement, maintenance, and utilization of data processing equipment by Federal agencies. pp. 22182-3
22. WATERSHEDS. A subcommittee of the Public Works Committee approved plans for works of improvement on the following watersheds: Choccolocco Creek, Ala.; Little Clear Creek, Ark.; Upper Choptank River, Del. and Md.; Grive River, Ga.; South Fork Broad River, Ga.; Busseron, Ind. (supplemental); Little Raccoon Creek, Ind.; Timber Creek, Kan.; Suasco, Mass. (supplemental); Tamarac River, Minn.; Quapaw Creek, Okla.; Rock Creek, Okla.; Duck Creek, Tex.; and Cherry-stone, Va. p. D891
23. LEGISLATIVE PROGRAM. Rep. Moss stated that the Foreign Service Act amendments bill will be considered Thurs. after disposition of the foreign aid appropriation bill. p. 22166

ITEMS IN APPENDIX

24. APPROPRIATIONS; FOREIGN AID. Extension of remarks of Rep. Mahon inserting tables showing foreign assistance funds available for obligation for the fiscal years 1957-66. p. A5011
25. WATER RESOURCES. Rep. Wright inserted Rep. Blatnik's address on the problems of effectively utilizing our water resources. pp. A5016-7
26. BALANCE OF PAYMENTS. Rep. Laird inserted a GOP task force report on Federal fiscal and monetary policy, "The Balance of Payments, The Gold Drain, and Your Dollar." pp. A5022-7
27. NATURAL RESOURCES. Extension of remarks of Rep. Edmondson commending and inserting an address by Elmer Staats before the National Rivers and Harbors Congress, "The Natural Resources Budget." pp. A5034-6

BILLS INTRODUCED

28. WHEAT. S. Res. 144, by Sen. Symington, to authorize the Foreign Relations Committee to investigate the legality of shipping restrictions on wheat; to Foreign Relations Committee. Remarks of author p. 22079
29. LIVESTOCK; MEATS. H. R. 10880 by Rep. Dow, to amend the Packers and Stockyards Act of 1921, as amended, and for other purposes; to Agriculture Committee.

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COMMITTEE HEARINGS SEPT. 8:

Sugar legislation, H. Agriculture (exec).
Northeast water shortage, S. Interior (Secretary Udall to testify).
Amendment of tariff schedules, conferees (exec)(White, FAS, to be available for questions).
Foreign aid appropriations, S. Appropriations (exec).
Study of effects of pesticides on fish and wildlife, H. Merchant Marine and Fisheries (exec).

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"Chief of Ordnance" wherever it appears and inserting in place thereof "Secretary".

Sec. 13. Section 4565(a) of title 10, United States Code, is amended by striking out "Quartermaster General" and inserting in place thereof "Secretary".

Sec. 14. Section 4712(a) of title 10, United States Code, is amended by striking out "the court-martial jurisdiction of the Army or the Air Force" and inserting in place thereof "military law".

Sec. 15. Section 4834 of title 10, United States Code, is amended by striking out the designation "(a)" and subsection (b).

Sec. 16. Section 5035(a) of title 10, United States Code, is amended by striking out "and the Assistant Secretary of the Navy for Air" and "and the Assistant Secretary for Air".

Sec. 17. Chapter 513 of title 10, United States Code, is amended by striking out "pay," in item 5149 of the analysis and in the catchline for section 5149.

Sec. 18. Section 9343 of title 10, United States Code, is amended by striking out "faculty" in the first sentence and inserting in place thereof "Academy Board".

Sec. 19. Section 9346 of title 10, United States Code, is amended by adding the following new subsection:

"(d) To be admitted to the Academy, an appointee must take and subscribe to an oath prescribed by the Secretary of the Air Force. If a candidate for admission refuses to take and subscribe to the prescribed oath, his appointment is terminated."

Sec. 20. Section 9712(a) of title 10, United States Code, is amended by striking out "the court-martial jurisdiction of the Air Force or the Army" and inserting in place thereof "military law".

Sec. 21. Section 209 of title 37, United States Code, is amended—

(1) by striking out "United States Code," by striking out "twenty" and inserting in place thereof "20", and by striking out "section 6(d) (1) of the Universal Military Training and Service Act, as amended (50 U.S.C. App. 456(d)(1))" and inserting in place thereof "section 456(d)(1) of title 50, appendix", in subsection (a); and

(2) by striking out "United States Code," in subsection (c).

Sec. 22. Section 302(b)(3) of title 37, United States Code, is amended by striking out "and" at the end thereof and inserting in place thereof "or".

Sec. 23. Section 403(a) of title 37, United States Code, is amended to read as follows:

"(a) Except as otherwise provided by this section or by another law, a member of a uniformed service who is entitled to basic pay is entitled to a basic allowance for quarters at the following monthly rates according to the pay grade in which he is assigned or distributed for basic pay purposes:

"Pay grade"	Without dependents	With dependents
O-10	\$160.20	\$201.00
O-9	160.20	201.00
O-8	160.20	201.00
O-7	160.20	201.00
O-6	140.10	170.10
O-5	130.20	157.50
O-4	120.00	145.05
O-3	105.00	130.05
O-2	95.10	120.00
O-1	85.20	110.10
W-4	120.00	145.05
W-3	105.00	130.05
W-2	95.10	120.00
W-1	85.20	110.10
E-9	85.20	120.00
E-8	85.20	120.00
E-7	75.00	114.90
E-6	70.20	110.10
E-5	70.20	105.00
E-4 (over 4 years' service)	70.20	105.00
E-4 (4 years' or less service)	45.00	45.00
E-3	45.00	45.00
E-2	45.00	45.00
E-1	45.00	45.00

A member in pay grade E-4 (less than four years' service), E-3, E-2, or E-1 is considered at all times to be without dependents."

Sec. 24. Section 404(d) of title 37, United States Code, is amended—

(1) by striking out "by the Chief of Finance of the Army" in clause (1);

(2) by striking out "section" in clause (2) and inserting in place thereof "subsection";

(3) by striking out "\$12" in clause (2) and inserting in place thereof "\$16";

(4) by striking out "section" in clause (3) and inserting in place thereof "subsection"; and

(5) by adding at the end thereof the following new flush sentence:

"Where due to unusual circumstances of a travel assignment the maximum per diem allowance would be less than the amount required to meet the actual and necessary expenses of the trip, reimbursement for such expenses may be authorized, under regulations prescribed by the Secretaries concerned, on an actual expense basis, but not more than the amount specified in the travel authorization, and in any event not more than \$30 for each day in a travel status."

Sec. 25. Section 405 of title 37, United States Code, is amended by striking out "a" after "including" in the first sentence and inserting in place thereof "the".

Sec. 26. Section 406 of title 37, United States Code, is amended—

(1) by striking out "temporary or permanent change of station" in subsection (b) and inserting in place thereof "change of temporary or permanent station"; and

(2) by inserting "is" before "placed" in subsection (g) (1).

Sec. 27. Section 407 of title 37, United States Code, is amended by striking out "permanent change of station" in subsections (a) and (b) (2) and inserting in place thereof "change of permanent station".

Sec. 28. Section 409 of title 37, United States Code, is amended by striking out "goods" in the first sentence and inserting in place thereof "effects".

Sec. 29. Sections 415(a), 416(b), and 422(c) of title 37, United States Code, are each amended by striking out "United States Code,"

Sec. 30. Section 419 of title 37, United States Code, is amended by striking out "716" wherever that figure appears and inserting in place thereof "717".

Sec. 31. Section 701(d) of title 37, United States Code, is amended by striking out "Chief of Finance (in cases involving the Army) or by the Secretary of the Air Force." and inserting in place thereof "Secretary concerned".

Sec. 32. Section 801 of title 37, United States Code, is amended—

(1) by striking out subsection (b); and

(2) by striking out "two" in subsection (c) and inserting in place thereof "three".

Sec. 33. Section 1001(b) of title 37, United States Code, is amended by inserting "and allowances" before "matters".

Sec. 34. Section 1007(c) of title 37, United States Code, is amended by striking out "basic" in the second sentence.

Sec. 35. (a) The Act of September 7, 1962, Public Law 87-649 (76 Stat. 451), is amended as follows:

(1) The first sentence of section 10 (76 Stat. 496) is amended by striking out "(64 Stat. 795)" and inserting in place thereof "(64 Stat. 794)".

(2) Section 14b, headed "Statutes at Large" (76 Stat. 498), is amended by striking out, in the item relating to the Act of September 8, 1950, "1, 4.", "794, 795.", and "231, 252".

(3) Section 14d, headed "Sections of Title 14, United States Code" (76 Stat. 502), is amended by adding at the end thereof the following:

"(7) Section 471 (a) and (b)."

(b) Clause (2) of subsection (a) of this section is effective as of November 1, 1962.

SEC. 36. (a) Laws becoming effective after June 1, 1965, that are inconsistent with this Act shall be considered as superseding it to the extent of the inconsistency.

(b) References made by other laws, regulations, and orders to the laws restated by this Act shall be considered to be made to the corresponding provisions of this Act.

(c) Actions taken under the laws restated by this Act shall be considered to have been taken under the corresponding provisions of this Act.

Sec. 37. The following laws are repealed except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of this Act:

(1) Section 1409 of the Supplemental Appropriation Act, 1953 (66 Stat. 661), as amended by section 2 of the Act of October 9, 1962, Public Law 87-777 (76 Stat. 777).

(2) Section 1309 of the Supplemental Appropriation Act, 1954 (67 Stat. 437), as amended by section 2 of the Act of October 9, 1962, Public Law 87-777 (76 Stat. 777).

(3) The Act of June 27, 1962, Public Law 87-500 (76 Stat. 111).

(4) Section 1 of the Act of June 28, 1962, Public Law 87-509 (76 Stat. 120).

(5) Section 1 of the Act of July 10, 1962, Public Law 87-531 (76 Stat. 152).

(6) The Act of October 9, 1962, Public Law 87-777 (76 Stat. 777).

(7) Section 6112 of title 10, United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ENACTMENT OF TITLE 5, UNITED STATES CODE

The Clerk called the bill (H.R. 10104) to enact title 5, United States Code, "Government Organization and Employees," codifying the general and permanent laws relating to the organization of the Government of the United States and to its civilian officers and employees.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PELLY. Mr. Speaker, reserving the right to object, I note that this bill is some 367 pages. In the interest of economy and in accordance with precedent, I ask unanimous consent that we waive the printing of the bill in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SPRUCE KNOB-SENECA ROCKS RECREATION AREA, W. VA.

The Clerk called the bill (H.R. 10330) to provide for the establishment of the Spruce Knob-Seneca Rocks National

Recreation Area, in the State of West Virginia, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ASPINALL. Mr. Speaker, reserving the right to object, and I hope I will not have to object, I desire to ask a question or two of the sponsor of the bill. This bill, as well as the one following, carries no authorization for appropriation; is that correct?

Mr. STAGGERS. That is correct; there is no authorization for appropriation.

Mr. ASPINALL. Also, as I understand the situation, this bill is written in complete conformity with the provisions of the Land and Water Conservation Fund Act. The Land and Water Conservation Fund Act provides for the purchase of inholdings but does not provide for the purchase of adjacent lands which might be used for these purposes. The purpose of this bill is to bring in harmony the authority of the Department of Agriculture to purchase lands presently outside of the National Forests in order to include them within a recreational area; is that correct?

Mr. STAGGERS. That is my understanding; some 6,000 acres.

Mr. ASPINALL. Mr. Speaker, I withdraw my reservation of objection.

Mr. GROSS. Mr. Speaker, further reserving the right to object, I am not clear as to how many acres are proposed to be purchased for this recreational area; nor am I clear as to whether the Federal Government, having developed this very sizable tract for recreation, hunting and fishing, the people who use it are going to have to buy State fishing licenses from the State of West Virginia.

Mr. STAGGERS. Yes; I am sure that they will. The Government owns a great amount of this land at the present time. There are some 60,000 acres lying outside of the 100,000 acres proposed. It is all within two counties in West Virginia. The gentleman from Colorado [Mr. ASPINALL] asked whether there was any authorization for appropriation. There is not. This is contained within the Land and Water Conservation Act at the present time.

Mr. GROSS. Mr. Speaker, is the gentleman saying that there will be purchased, with Federal funds, 60,000 acres of land?

Mr. STAGGERS. It is 6,000 acres instead of 60,000. This is a bill which has been passed by the other body and sent over here.

Mr. GROSS. Which is it—6,000 or 60,000?

Mr. STAGGERS. It is 6,000.

Mr. GROSS. What would be the average cost of the acquisition of this land?

Mr. STAGGERS. It is all mountain land, in the scenic part of West Virginia. The highest part of the State's Spruce Knob is some 4,860 feet. There is no farming in that area and there is no salable lumber in that area.

Mr. GROSS. Mr. Speaker, I would like to ask this question. In other national recreation areas are those who use them, and who come from other States, required to buy fishing licenses?

Mr. STAGGERS. Yes.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. I yield to the gentleman.

Mr. ASPINALL. This is written in complete conformity with the Land and Water Conservation Fund Act. Anyone fishing and hunting within a State must purchase a State license. If he is a nonresident he must purchase a nonresident license. Not only that, as I understand, in this particular area fees will be charged—entrance fees or user fees will be charged for the use of the areas as they are developed by the National Forest Service. This is a part of the Land and Water Conservation Act law, and as my friend will remember, that passed a year ago, which legislation, by the way, has had some criticism recently of its administration and enforcement. But, may I say, that our latest report is that by and large the Land and Water Conservation Fund Act is working very well.

Mr. GROSS. Then, in order to use an area that has been developed by the taxpayers' money of all the United States, those taxpayers who use it will be required not only to pay an admissions fee but to buy a fishing license, a nonresident fishing license, in that State; is that right?

Mr. ASPINALL. If my colleague will yield to me, this has been true throughout the years as far as the public land States in the West are concerned. In Colorado big game and small game and fishing licenses are required to hunt upon the public domain.

Mr. GROSS. Does not the gentleman from Colorado think it is about time that we arrived at some kind of legislation to provide for a Federal fishing license?

Mr. ASPINALL. If my friend will permit an answer in this respect, I do not believe that that time is yet here.

Mr. GROSS. The gentleman does not think it is?

Mr. ASPINALL. I do not think so. I believe that the game and fish operations are best preserved by the States themselves.

Mr. GROSS. Well, of course, the State is not preserving this. This burden or expense is falling upon the taxpayers of the entire country.

Mr. ASPINALL. If the gentleman will yield further, the game and fish values are preserved by the States. They are propagated by the States and they are conserved by the States, even though the lands are public lands.

Mr. GROSS. Would the gentleman say that they cannot obtain fish to stock a lake reservoir, or pond in this recreational area from the Federal hatcheries?

Mr. ASPINALL. If the gentleman will yield further, I am saying that there are not enough Federal fish hatcheries to do any kind of a job throughout the United States. That is the fact.

Mr. GROSS. If the hatcheries had the fish they could be planted in such a water storage area and they would get them, would they not?

Mr. ASPINALL. They would get them under the same terms that they get the young fish, the fry, out of State hatcheries.

Mr. GROSS. I cannot agree with my friend, the gentleman from Colorado [Mr. ASPINALL], that the time is not yet here for a Federal fishing license which would not only yield something to the States but would also yield some revenue to the Federal Government from fishing areas that have been developed by Federal tax money.

Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JOHNSON of Pennsylvania. Mr. Speaker, further reserving the right to object, I would like to further interrogate the gentleman from West Virginia.

This seems to be the first authorization of buying recreation lands under the new fund which we set up in 1964.

I believe the gentleman from West Virginia is in error with respect to the number of acres to be acquired.

According to the report; yes, only 6,000 acres have newly been authorized as being outside the inland definition, but there is going to be 100,000 acres and the Government only owns 40,000. The park is to be composed of 100,000 acres. So, therefore, there will be 60,000 acres purchased; is that not correct?

Mr. STAGGERS. If the gentleman will yield. The total amount to be purchased is 6,000 acres.

Mr. JOHNSON of Pennsylvania. And, also, the report goes on to say that the land and water conservation fund will have to come up with \$3.5 million; is that not correct?

Mr. STAGGERS. If the gentleman will yield further, that is true, but according to the report they already have authority to buy the balance of this land.

Mr. JOHNSON of Pennsylvania. But we are talking about spending \$3.5 million out of this fund; is that not correct?

Mr. ASPINALL. Mr. Speaker, if the gentleman from Pennsylvania will yield to me, by and large these will be Federal funds or the State's share of Federal funds from the land and water conservation fund.

Now, Mr. Speaker, the gentleman is correct insofar as the cost is concerned. But this is a very small expense when one considers it in relation to other recreational areas that we are providing for different sections of the United States at the present time.

Today we have on the calendar the Assateague Island Seashore area which is estimated to cost in the neighborhood of \$20 to \$25 million.

We just got through taking care of a recreational area in the gentleman's home State, where the cost would amount, of course, to much more than that before we get through with it.

What we are trying to do—and I have nothing to do with this legislation; in fact I did not know it was on the calendar until I studied this bill last weekend—what we are trying to do is to get these recreational areas scattered throughout the Nation so the people will not all congregate at just a few places.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, further reserving the right to

H. R. 10104

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 9 (legislative day, SEPTEMBER 8), 1965

Read twice and referred to the Committee on the Judiciary

AN ACT

To enact title 5, United States Code, "Government Organization and Employees", codifying the general and permanent laws relating to the organization of the Government of the United States and to its civilian officers and employees.

1 *Be it enacted by the Senate and House of Representatives of the*
2 *United States of America in Congress assembled, That the laws relat-*
3 *ing to the organization of the Government of the United States and to*
4 *its civilian officers and employees, generally, are revised, codified, and*
5 *enacted as title 5 of the United States Code, entitled "Government*
6 *Organization and Employees", and may be cited as "5 U.S.C., § ",*
7 *as follows:*

8 **TITLE 5—GOVERNMENT ORGANIZATION** 9 **AND EMPLOYEES**

PART	Sec.
I. THE AGENCIES GENERALLY.....	101
II. THE UNITED STATES CIVIL SERVICE COMMISSION.....	1101
III. EMPLOYEES.....	2101

10 **PART I—THE AGENCIES GENERALLY**

CHAPTER	Sec.
1. ORGANIZATION.....	101
3. POWERS.....	301
5. ADMINISTRATIVE PROCEDURE.....	501
7. JUDICIAL REVIEW.....	701

11 **CHAPTER 1—ORGANIZATION**

Sec.
101. Executive departments.
102. Military departments.
103. Government corporation.
104. Independent establishment.
105. Executive agency.

1 **§ 101. Executive departments**

2 The Executive departments are :

3 The Department of State.

4 The Department of the Treasury.

5 The Department of Defense.

6 The Department of Justice.

7 The Post Office Department.

8 The Department of the Interior.

9 The Department of Agriculture.

10 The Department of Commerce.

11 The Department of Labor.

12 The Department of Health, Education, and Welfare.

13 **§ 102. Military departments**

14 The military departments are :

15 The Department of the Army.

16 The Department of the Navy.

17 The Department of the Air Force.

18 **§ 103. Government corporation**

19 For the purpose of this title—

20 (1) “Government corporation” means a corporation owned or
21 controlled by the Government of the United States; and

22 (2) “Government controlled corporation” does not include a
23 corporation owned by the Government of the United States.

24 **§ 104. Independent establishment**

25 For the purpose of this title, “independent establishment” means—

26 (1) an establishment in the executive branch which is not an
27 Executive department, military department, Government cor-
28 poration, or part thereof, or part of an independent establish-
29 ment; and

30 (2) the General Accounting Office.

31 **§ 105. Executive agency**

32 For the purpose of this title, “Executive agency” means an Execu-
33 tive department, a Government corporation, and an independent
34 establishment.

35

CHAPTER 3—POWERS

Sec.

301. Departmental regulations.

302. Delegation of authority.

303. Oaths to witnesses.

304. Subpenas.

305. Systematic agency review of operations.

§ 301. Departmental regulations

The head of an Executive department or military department may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property. This section does not authorize withholding information from the public or limiting the availability of records to the public.

§ 302. Delegation of authority

(a) For the purpose of this section, "agency" has the meaning given it by section 5721 of this title.

(b) In addition to the authority to delegate conferred by other law, the head of an agency may delegate to subordinate officials the authority vested in him—

(1) by law to take final action on matters pertaining to the employment, direction, and general administration of personnel under his agency; and

(2) by section 324 of title 44 to authorize the publication of advertisements, notices, or proposals.

§ 303. Oaths to witnesses

An employee of an Executive department lawfully assigned to investigate frauds on or attempts to defraud the United States, or irregularity or misconduct of an employee or agent of the United States, may administer an oath to a witness attending to testify or depose in the course of the investigation.

§ 304. Subpenas

(a) The head of an Executive department or military department or bureau thereof in which a claim against the United States is pending may apply to a judge or clerk of a court of the United States to issue a subpoena for a witness within the jurisdiction of the court to appear at a time and place stated in the subpoena before an individual authorized to take depositions to be used in the courts of the United States, to give full and true answers to such written interrogatories and cross-interrogatories as may be submitted with the application, or to be orally examined and cross-examined on the subject of the claim.

(b) If a witness, after being served with a subpoena, neglects or refuses to appear, or, appearing, refuses to testify, the judge of the district in which the subpoena issued may proceed, on proper process, to enforce obedience to the subpoena, or to punish for disobedience, in

1 the same manner as a court of the United States may in case of process
2 of subpoena ad testificandum issued by the court.

3 **§ 305. Systematic agency review of operations**

4 (a) For the purpose of this section, "agency" means an Executive
5 agency, but does not include—

- 6 (1) a Government controlled corporation;
- 7 (2) the Tennessee Valley Authority;
- 8 (3) The Alaska Railroad;
- 9 (4) the Virgin Islands Corporation;
- 10 (5) the Atomic Energy Commission;
- 11 (6) the Central Intelligence Agency;
- 12 (7) the Panama Canal Company; or
- 13 (8) the National Security Agency, Department of Defense.

14 (b) Under regulations prescribed and administered by the Director
15 of the Bureau of the Budget, each agency shall review systematically
16 the operations of each of its activities, functions, or organization
17 units, on a continuing basis.

18 (c) The purpose of the reviews includes—

- 19 (1) determining the degree of efficiency and economy in the
20 operation of the agency's activities, functions, or organization
21 units;
- 22 (2) identifying the units that are outstanding in those respects;
23 and
- 24 (3) identifying the employees whose personal efforts have
25 caused their units to be outstanding in efficiency and economy of
26 operations.

27 **CHAPTER 5—ADMINISTRATIVE PROCEDURE**

28 **SUBCHAPTER I—GENERAL PROVISIONS**

Sec.

501. Advertising practice; restrictions.

502. Administrative practice; Reserves and National Guardsmen.

503. Witness fees and allowances.

29 **SUBCHAPTER II—ADMINISTRATIVE PROCEDURE**

Sec.

551. Definitions.

552. Publication of information, rules, opinions, orders, and public records.

553. Rule making.

554. Adjudications.

555. Ancillary matters.

556. Hearings; presiding employees; powers and duties; burden of proof; evidence; record as basis of decision.

557. Initial decisions; conclusiveness; review by agency; submissions by parties; contents of decisions; record.

558. Imposition of sanctions; determination of applications for licenses; suspension, revocation, and expiration of licenses.

559. Effect on other laws; effect of subsequent statute.

1 SUBCHAPTER III—ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Sec.

571. Purpose.

572. Definitions.

573. Administrative Conference of the United States.

574. Powers and duties of the Conference.

575. Organization of the Conference.

576. Appropriations.

2 SUBCHAPTER I—GENERAL PROVISIONS

3 § 501. Advertising practice; restrictions

4 An individual, firm, or corporation practicing before an agency of
5 the United States may not use the name of a Member of either House
6 of Congress or of an individual in the service of the United States in
7 advertising the business.

8 § 502. Administrative practice; Reserves and National Guards- 9 men

10 Membership in a reserve component of the armed forces or in the
11 National Guard does not prevent an individual from practicing his
12 civilian profession or occupation before, or in connection with, an
13 agency of the United States.

14 § 503. Witness fees and allowances

15 (a) For the purpose of this section, “agency” has the meaning given
16 it by section 5721 of this title.

17 (b) A witness is entitled to the fees and allowances allowed by
18 statute for witnesses in the courts of the United States when—

19 (1) he is subpoenaed under section 304(a) of this title; or

20 (2) he is subpoenaed to and appears at a hearing before an
21 agency authorized by law to hold hearings and subpoena witnesses
22 to attend the hearings.

23 SUBCHAPTER II—ADMINISTRATIVE PROCEDURE

24 § 551. Definitions

25 For the purpose of this subchapter—

26 (1) “agency” means each authority of the Government of the
27 United States, whether or not it is within or subject to review
28 by another agency, but does not include—

29 (A) the Congress;

30 (B) the courts of the United States;

31 (C) the governments of the territories or possessions of
32 the United States;

33 (D) the government of the District of Columbia;

34 or except as to the requirements of section 552 of this title—

(E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;

(F) courts martial and military commissions;

(G) military authority exercised in the field in time of war or in occupied territory; or

(H) functions conferred by sections 1738, 1739, 1743, and 1744 of title 12; chapter 2 of title 41; or sections 1622, 1641(b)(2), 1884, and 1891–1902 of title 50, appendix;

(2) “person” includes an individual, partnership, corporation, association, or public or private organization other than an agency;

(3) “party” includes a person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in an agency proceeding, and a person or agency admitted by an agency as a party for limited purposes;

(4) “rule” means the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing;

(5) “rule making” means agency process for formulating, amending, or repealing a rule;

(6) “order” means the whole or a part of a final disposition, whether affirmative, negative, injunctive, or declaratory in form, of an agency in a matter other than rule making but including licensing;

(7) “adjudication” means agency process for the formulation of an order;

(8) “license” includes the whole or a part of an agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission;

(9) “licensing” includes agency process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification, or conditioning of a license;

(10) “sanction” includes the whole or a part of an agency—

(A) prohibition, requirement, limitation, or other condition affecting the freedom of a person;

(B) withholding of relief;

(C) imposition of penalty or fine;

(D) destruction, taking, seizure, or withholding of property;

(E) assessment of damages, reimbursement, restitution, compensation, costs, charges, or fees;

(F) requirement, revocation, or suspension of a license;

or

(G) taking other compulsory or restrictive action;

(11) "relief" includes the whole or a part of an agency—

(A) grant of money, assistance, license, authority, exemption, exception, privilege, or remedy;

(B) recognition of a claim, right, immunity, privilege, exemption, or exception; or

(C) taking of other action on the application or petition of, and beneficial to, a person;

(12) "agency proceeding" means an agency process as defined by paragraphs (5), (7), and (9) of this section; and

(13) "agency action" includes the whole or a part of an agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act.

§ 552. Publication of information, rules, opinions, orders, and public records

(a) This section applies, according to the provisions thereof, except to the extent that there is involved—

(1) a function of the United States requiring secrecy in the public interest; or

(2) a matter relating solely to the internal management of an agency.

(b) Each agency shall separately state and currently publish in the Federal Register—

(1) descriptions of its central and field organizations, including delegations of final authority by the agency, and the established places at which, and methods whereby, the public may obtain information or make submittals or requests;

(2) statements of the general course and method by which its functions are channeled and determined, including the nature

1 and requirements of the formal or informal procedures available
 2 and forms and instructions as to the scope and contents of all
 3 papers, reports, or examinations; and

4 (3) substantive rules adopted as authorized by law and state-
 5 ments of general policy or interpretations adopted by the agency
 6 for public guidance, except rules addressed to and served on
 7 named persons in accordance with law.

8 A person may not be required to resort to organization or procedure
 9 not so published.

10 (c) Each agency shall publish or, in accordance with published
 11 rule, make available to public inspection all final opinions or orders
 12 in the adjudication of cases (except those required for good cause to
 13 be held confidential and not cited as precedents) and all rules.

14 (d) Except as otherwise required by statute, matters of official
 15 record shall be made available, in accordance with published rule, to
 16 persons properly and directly concerned, except information held
 17 confidential for good cause found.

18 § 553. Rule making

19 (a) This section applies, according to the provisions thereof, except
 20 to the extent that there is involved—

21 (1) a military or foreign affairs function of the United States;
 22 or

23 (2) a matter relating to agency management or personnel or to
 24 public property, loans, grants, benefits, or contracts.

25 (b) General notice of proposed rule making shall be published in
 26 the Federal Register, unless persons subject thereto are named and
 27 either personally served or otherwise have actual notice thereof in
 28 accordance with law. The notice shall include—

29 (1) a statement of the time, place, and nature of public rule
 30 making proceedings;

31 (2) reference to the legal authority under which the rule is
 32 proposed; and

33 (3) either the terms or substance of the proposed rule or a
 34 description of the subjects and issues involved.

35 Except when notice or hearing is required by statute, this subsection
 36 does not apply—

37 (A) to interpretative rules, general statements of policy, or
 38 rules of agency organization, procedure, or practice; or

39 (B) when the agency for good cause finds (and incorporates

the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

(c) After notice required by this section, the agency shall give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation. After consideration of the relevant matter presented, the agency shall incorporate in the rules adopted a concise general statement of their basis and purpose. When rules are required by statute to be made on the record after opportunity for an agency hearing, sections 556 and 557 of this title apply instead of this subsection.

(d) The required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except—

- (1) a substantive rule which grants or recognizes an exemption or relieves a restriction;
- (2) interpretative rules and statements of policy; or
- (3) as otherwise provided by the agency for good cause found and published with the rule.

(e) Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.

§ 554. Adjudications

(a) This section applies, according to the provisions thereof, in every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing, except to the extent that there is involved—

- (1) a matter subject to a subsequent trial of the law and the facts de novo in a court;
- (2) the selection or tenure of an employee, except a hearing examiner appointed under section 3105 of this title;
- (3) proceedings in which decisions rest solely on inspections, tests, or elections;
- (4) the conduct of military or foreign affairs functions;
- (5) cases in which an agency is acting as an agent for a court; or
- (6) the certification of worker representatives.

(b) Persons entitled to notice of an agency hearing shall be timely informed of—

- (1) the time, place, and nature of the hearing;

1 (2) the legal authority and jurisdiction under which the hear-
2 ing is to be held; and

3 (3) the matters of fact and law asserted.

4 When private persons are the moving parties, other parties to the
5 proceeding shall give prompt notice of issues controverted in fact or
6 law; and in other instances agencies may by rule require responsive
7 pleading. In fixing the time and place for hearings, due regard shall
8 be had for the convenience and necessity of the parties or their repre-
9 sentatives.

10 (c) The agency shall give all interested parties opportunity for—

11 (1) the submission and consideration of facts, arguments, offers
12 of settlement, or proposals of adjustment when time, the nature
13 of the proceeding, and the public interest permit; and

14 (2) to the extent that the parties are unable so to determine a
15 controversy by consent, hearing and decision on notice and in
16 accordance with sections 556 and 557 of this title.

17 (d) The hearing examiner who presides at the reception of evidence
18 pursuant to section 556 of this title shall make the recommended de-
19 cision or initial decision required by section 557 of this title, unless
20 he becomes unavailable to the agency. Except to the extent required
21 for the disposition of ex parte matters as authorized by law, a hear-
22 ing examiner may not—

23 (1) consult a person or party on a fact in issue, unless on notice
24 and opportunity for all parties to participate; or

25 (2) be responsible to or subject to the supervision or direction
26 of an employee or agent engaged in the performance of investiga-
27 tive or prosecuting functions for an agency.

28 An employee or agent engaged in the performance of investigative
29 or prosecuting functions for an agency in a case may not, in that or a
30 factually related case, participate or advise in the decision, recom-
31 mended decision, or agency review pursuant to section 557 of this title,
32 except as witness or counsel in public proceedings. This subsection
33 does not apply—

34 (A) in determining applications for initial licenses;

35 (B) to proceedings involving the validity or application of
36 rates, facilities, or practices of public utilities or carriers; or

37 (C) to the agency or a member or members of the body compris-
38 ing the agency.

39 (e) The agency, with like effect as in the case of other orders, and

1 in its sound discretion, may issue a declaratory order to terminate a
2 controversy or remove uncertainty.

3 **§ 555. Ancillary matters**

4 (a) This section applies, according to the provisions thereof, except
5 as otherwise provided by this subchapter.

6 (b) A person compelled to appear in person before an agency or
7 representative thereof is entitled to be accompanied, represented, and
8 advised by counsel or, if permitted by the agency, by other qualified
9 representative. A party is entitled to appear in person or by or with
10 counsel or other duly qualified representative in an agency proceeding.
11 So far as the orderly conduct of public business permits, an interested
12 person may appear before an agency or its responsible employees for
13 the presentation, adjustment, or determination of an issue, request, or
14 controversy in a proceeding, whether interlocutory, summary, or
15 otherwise, or in connection with an agency function. With due regard
16 for the convenience and necessity of the parties or their representatives
17 and within a reasonable time, each agency shall proceed to conclude a
18 matter presented to it. This subsection does not grant or deny a
19 person who is not a lawyer the right to appear for or represent others
20 before an agency or in an agency proceeding.

21 (c) Process, requirement of a report, inspection, or other investi-
22 gative act or demand may not be issued, made, or enforced except as
23 authorized by law. A person compelled to submit data or evidence is
24 entitled to retain or, on payment of lawfully prescribed costs, procure
25 a copy or transcript thereof, except that in a nonpublic investigatory
26 proceeding the witness may for good cause be limited to inspection of
27 the official transcript of his testimony.

28 (d) Agency subpoenas authorized by law shall be issued to a party
29 on request and, when required by rules of procedure, on a statement or
30 showing of general relevance and reasonable scope of the evidence
31 sought. On contest, the court shall sustain the subpoena or similar
32 process or demand to the extent that it is found to be in accordance
33 with law. In a proceeding for enforcement, the court shall issue an
34 order requiring the appearance of the witness or the production of the
35 evidence or data within a reasonable time under penalty of punish-
36 ment for contempt in case of contumacious failure to comply.

37 (e) Prompt notice shall be given of the denial in whole or in part of
38 a written application, petition, or other request of an interested person

1 made in connection with any agency proceeding. Except in affirming
 2 a prior denial or when the denial is self-explanatory, the notice shall
 3 be accompanied by a brief statement of the grounds for denial.

4 **§ 556. Hearings; presiding employees; powers and duties; burden**
 5 **of proof; evidence; record as basis of decision**

6 (a) This section applies, according to the provisions thereof, to
 7 hearings required by section 553 or 554 of this title to be conducted in
 8 accordance with this section.

9 (b) There shall preside at the taking of evidence—

10 (1) the agency;

11 (2) one or more members of the body which comprises the
 12 agency; or

13 (3) one or more hearing examiners appointed under section
 14 3105 of this title.

15 This subchapter does not supersede the conduct of specified classes of
 16 proceedings, in whole or in part, by or before boards or other em-
 17 ployees specially provided for by or designated under statute. The
 18 functions of presiding employees and of employees participating in
 19 decisions in accordance with section 557 of this title shall be conducted
 20 in an impartial manner. A presiding or participating employee may at
 21 any time disqualify himself. On the filing in good faith of a timely
 22 and sufficient affidavit of personal bias or other disqualification of a
 23 presiding or participating employee, the agency shall determine the
 24 matter as a part of the record and decision in the case.

25 (c) Subject to published rules of the agency and within its powers,
 26 employees presiding at hearings may—

27 (1) administer oaths and affirmations;

28 (2) issue subpoenas authorized by law;

29 (3) rule on offers of proof and receive relevant evidence;

30 (4) take depositions or have depositions taken when the ends
 31 of justice would be served;

32 (5) regulate the course of the hearing;

33 (6) hold conferences for the settlement or simplification of the
 34 issues by consent of the parties;

35 (7) dispose of procedural requests or similar matters;

36 (8) make or recommend decisions in accordance with section
 37 557 of this title; and

38 (9) take other action authorized by agency rule consistent with
 39 this subchapter.

40 (d) Except as otherwise provided by statute, the proponent of a

1 rule or order has the burden of proof. Any oral or documentary evi-
2 dence may be received, but the agency as a matter of policy shall pro-
3 vide for the exclusion of irrelevant, immaterial, or unduly repetitious
4 evidence. A sanction may not be imposed or rule or order issued ex-
5 cept on consideration of the whole record or those parts thereof cited
6 by a party and supported by and in accordance with the reliable,
7 probative, and substantial evidence. A party is entitled to present
8 his case or defense by oral or documentary evidence, to submit re-
9 buttal evidence, and to conduct such cross-examination as may be
10 required for a full and true disclosure of the facts. In rule making
11 or determining claims for money or benefits or applications for initial
12 licenses an agency may, when a party will not be prejudiced thereby,
13 adopt procedures for the submission of all or part of the evidence in
14 written form.

15 (e) The transcript of testimony and exhibits, together with all
16 papers and requests filed in the proceeding, constitutes the exclusive
17 record for decision in accordance with section 557 of this title and, on
18 payment of lawfully prescribed costs, shall be made available to the
19 parties. When an agency decision rests on official notice of a material
20 fact not appearing in the evidence in the record, a party is entitled, on
21 timely request, to an opportunity to show the contrary.

22 **§ 557. Initial decisions; conclusiveness; review by agency; sub-**
23 **missions by parties; contents of decisions; record**

24 (a) This section applies, according to the provisions thereof, when
25 a hearing is required to be conducted in accordance with section 556
26 of this title.

27 (b) When the agency did not preside at the reception of the evidence,
28 the presiding employee or, in cases not subject to section 554(d) of
29 this title, an employee qualified to preside at hearings pursuant to
30 section 556 of this title, shall initially decide the case unless the agency
31 requires, either in specific cases or by general rule, the entire record to
32 be certified to it for decision. When the presiding employee makes
33 an initial decision, that decision then becomes the decision of the agency
34 without further proceedings unless there is an appeal to, or review on
35 motion of, the agency within time provided by rule. On appeal from
36 or review of the initial decision, the agency has all the powers which
37 it would have in making the initial decision except as it may limit the
38 issues on notice or by rule. When the agency makes the decision with-
39 out having presided at the reception of the evidence, the presiding
40 employee or an employee qualified to preside at hearings pursuant to

1 section 556 of this title shall first recommend a decision, except that in
2 rule making or determining applications for initial licenses—

3 (1) instead thereof the agency may issue a tentative decision
4 or one of its responsible employees may recommend a decision; or

5 (2) this procedure may be omitted in a case in which the agency
6 finds on the record that due and timely execution of its functions
7 imperatively and unavoidably so requires.

8 (c) Before a recommended, initial, or tentative decision, or a deci-
9 sion on agency review of the decision of subordinate employees, the
10 parties are entitled to a reasonable opportunity to submit for the con-
11 sideration of the employees participating in the decisions—

12 (1) proposed findings and conclusions; or

13 (2) exceptions to the decisions or recommended decisions of
14 subordinate employees or to tentative agency decisions; and

15 (3) supporting reasons for the exceptions or proposed findings
16 or conclusions.

17 The record shall show the ruling on each finding, conclusion, or excep-
18 tion presented. All decisions, including initial, recommended, and
19 tentative decisions, are a part of the record and shall include a state-
20 ment of—

21 (A) findings and conclusions, and the reasons or basis therefor,
22 on all the material issues of fact, law, or discretion presented on
23 the record; and

24 (B) the appropriate rule, order, sanction, relief, or denial
25 thereof.

26 **§ 558. Imposition of sanctions; determination of applications**
27 **for licenses; suspension, revocation, and expiration of**
28 **licenses**

29 (a) This section applies, according to the provisions thereof, to the
30 exercise of a power or authority.

31 (b) A sanction may not be imposed or a substantive rule or order
32 issued except within jurisdiction delegated to the agency and as
33 authorized by law.

34 (c) When application is made for a license required by law, the
35 agency, with due regard for the rights and privileges of all the inter-
36 ested parties or adversely affected persons and within a reasonable
37 time, shall set and complete proceedings required to be conducted
38 in accordance with sections 556 and 557 of this title or other proceed-
39 ings required by law and shall make its decision. Except in cases of
40 willfulness or those in which public health, interest, or safety requires

otherwise, the withdrawal, suspension, revocation, or annulment of a license is lawful only if, before the institution of agency proceedings therefor, the licensee has been given—

(1) notice by the agency in writing of the facts or conduct which may warrant the action; and

(2) opportunity to demonstrate or achieve compliance with all lawful requirements.

When the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency.

§ 559. Effect on other laws; effect of subsequent statute

This subchapter, chapter 7, and sections 1305, 3105, 3344, 4301(2) (E), 5362, and 7521, and the provisions of section 5335(a) (B) of this title that relate to hearing examiners, do not limit or repeal additional requirements imposed by statute or otherwise recognized by law. Except as otherwise required by law, requirements or privileges relating to evidence or procedure apply equally to agencies and persons. Each agency is granted the authority necessary to comply with the requirements of this subchapter through the issuance of rules or otherwise. Subsequent statute may not be held to supersede or modify this subchapter, chapter 7, sections 1305, 3105, 3344, 4301(2) (E), 5362, or 7521, or the provisions of section 5335(a) (B) of this title that relate to hearing examiners, except to the extent that it does so expressly.

SUBCHAPTER III—ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

§ 571. Purpose

It is the purpose of this subchapter to provide suitable arrangements through which Federal agencies, assisted by outside experts, may cooperatively study mutual problems, exchange information, and develop recommendations for action by proper authorities to the end that private rights may be fully protected and regulatory activities and other Federal responsibilities may be carried out expeditiously in the public interest.

§ 572. Definitions

For the purpose of this subchapter—

(1) “administrative program” includes a Federal function which involves protection of the public interest and the determination of rights, privileges, and obligations of private persons through rule making, adjudication, licensing, or investigation, as

those terms are used in subchapter II of this chapter, except that it does not include a military or foreign affairs function of the United States;

(2) “administrative agency” means an authority as defined by section 551(1) of this title; and

(3) “administrative procedure” means procedure used in carrying out an administrative program and is to be broadly construed to include any aspect of agency organization, procedure, or management which may affect the equitable consideration of public and private interests, the fairness of agency decisions, the speed of agency action, and the relationship of operating methods to later judicial review, but does not include the scope of agency responsibility as established by law or matters of substantive policy committed by law to agency discretion.

§ 573. Administrative Conference of the United States

(a) The Administrative Conference of the United States consists of not more than 91 nor less than 75 members appointed as set forth in subsection (b) of this section.

(b) The Conference is composed of—

(1) a full-time Chairman appointed for a 5-year term by the President, by and with the advice and consent of the Senate. The Chairman is entitled to pay at the highest rate established by statute for the chairman of an independent regulatory board or commission, and may continue to serve until his successor is appointed and has qualified;

(2) the chairman of each independent regulatory board or commission or an individual designated by the board or commission;

(3) the head of each Executive department or other administrative agency which is designated by the President, or an individual designated by the head of the department or agency;

(4) when authorized by the Council referred to in section 575 (b) of this title, one or more appointees from a board, commission, department, or agency referred to in this subsection, designated by the head thereof with, in the case of a board or commission, the approval of the board or commission;

(5) individuals appointed by the President to membership on the Council who are not otherwise members of the Conference; and

(6) not more than 36 other members appointed by the Chair-

man, with the approval of the Council, for terms of 2 years, except that the number of members appointed by the Chairman may at no time be less than one-third nor more than two-fifths of the total number of members. The Chairman shall select the members in a manner which will provide broad representation of the views of private citizens and utilize diverse experience. The members shall be members of the practicing bar, scholars in the field of administrative law or government, or others specially informed by knowledge and experience with respect to Federal administrative procedure.

(c) Members of the Conference, except the Chairman, are not entitled to pay for service. Members appointed from outside the Federal Government are entitled to travel expenses, including per diem instead of subsistence, as authorized by section 5703 of this title for individuals serving without pay.

§ 574. Powers and duties of the Conference

To carry out the purpose of this subchapter, the Administrative Conference of the United States may—

(1) study the efficiency, adequacy, and fairness of the administrative procedure used by administrative agencies in carrying out administrative programs, and make recommendations to administrative agencies, collectively or individually, and to the President, Congress, or the Judicial Conference of the United States in connection therewith, as it considers appropriate;

(2) arrange for interchange among administrative agencies of information potentially useful in improving administrative procedure; and

(3) collect information and statistics from administrative agencies and publish such reports as it considers useful for evaluating and improving administrative procedure.

§ 575. Organization of the Conference

(a) The membership of the Administrative Conference of the United States meeting in plenary session constitutes the Assembly of the Conference. The Assembly has ultimate authority over all activities of the Conference. Specifically, it has the power to—

(1) adopt such recommendations as it considers appropriate for improving administrative procedure. A member who disagrees with a recommendation adopted by the Assembly is entitled to enter a dissenting opinion and an alternate proposal in the record

1 of the Conference proceedings, and the opinion and proposal so
2 entered shall accompany the Conference recommendation in a
3 publication or distribution thereof; and

4 (2) adopt bylaws and regulations not inconsistent with this
5 subchapter for carrying out the functions of the Conference, in-
6 cluding the creation of such committees as it considers necessary
7 for the conduct of studies and the development of recommendations
8 for consideration by the Assembly.

9 (b) The Conference includes a Council composed of the Chairman
10 of the Conference, who is Chairman of the Council, and 10 other
11 members appointed by the President, of whom not more than one-half
12 shall be employees of Federal regulatory agencies or Executive de-
13 partments. The President may designate a member of the Council as
14 Vice Chairman. During the absence or incapacity of the Chairman,
15 or when that office is vacant, the Vice Chairman shall serve as Chair-
16 man. The term of each member, except the Chairman, is 3 years.
17 When the term of a member ends, he may continue to serve until a
18 successor is appointed. However, the service of any member ends when
19 a change in his employment status would make him ineligible for
20 Council membership under the conditions of his original appoint-
21 ment. The Council has the power to—

22 (1) determine the time and place of plenary sessions of the
23 Conference and the agenda for the sessions. The Council shall call
24 at least one plenary session each year;

25 (2) propose bylaws and regulations, including rules of pro-
26 cedure and committee organization, for adoption by the Assembly;

27 (3) make recommendations to the Conference or its committees
28 on a subject germane to the purpose of the Conference;

29 (4) receive and consider reports and recommendations of com-
30 mittees of the Conference and send them to members of the Con-
31 ference with the views and recommendations of the Council;

32 (5) designate a member of the Council to preside at meetings
33 of the Council in the absence or incapacity of the Chairman and
34 Vice Chairman;

35 (6) designate such additional officers of the Conference as it
36 considers desirable;

37 (7) approve or revise the budgetary proposals of the Chair-
38 man; and

39 (8) exercise such other powers as may be delegated to it by
40 the Assembly.

(c) The Chairman is the chief executive of the Conference. In that capacity he has the power to—

(1) make inquiries into matters he considers important for Conference consideration, including matters proposed by individuals inside or outside the Federal Government;

(2) be the official spokesman for the Conference in relations with the several branches and agencies of the Federal Government and with interested organizations and individuals outside the Government, including responsibility for encouraging Federal agencies to carry out the recommendations of the Conference;

(3) request agency heads to provide information needed by the Conference, which information shall be supplied to the extent permitted by law;

(4) recommend to the Council appropriate subjects for action by the Conference;

(5) appoint, with the approval of the Council, members of committees authorized by the bylaws and regulations of the Conference;

(6) prepare, for approval of the Council, estimates of the budgetary requirements of the Conference;

(7) appoint and fix the pay of employees, define their duties and responsibilities, and direct and supervise their activities;

(8) rent office space in the District of Columbia;

(9) provide necessary services for the Assembly, the Council, and the committees of the Conference;

(10) organize and direct studies ordered by the Assembly or the Council, using from time to time, as appropriate, experts and consultants who may be employed under section 3109 of this title, but at rates for individuals not in excess of \$100 a day;

(11) on request of the head of an agency, furnish assistance and advice on matters of administrative procedure; and

(12) exercise such additional authority as the Council or Assembly delegates to him.

The Chairman shall preside at meetings of the Council and at each plenary session of the Conference, to which he shall make a full report concerning the affairs of the Conference since the last preceding plenary session. The Chairman, on behalf of the Conference, shall transmit to the President and Congress an annual report and such interim reports as he considers desirable.

1 **§ 576. Appropriations**

2 There are authorized to be appropriated sums necessary, not in
3 excess of \$250,000, to carry out the purpose of this subchapter.

4 **CHAPTER 7—JUDICIAL REVIEW**

Sec.

701. Application; definitions.

702. Right of review.

703. Form and venue of proceeding.

704. Actions reviewable.

705. Relief pending review.

706. Scope of review.

5 **§ 701. Application; definitions**

6 (a) This chapter applies, according to the provisions thereof, ex-
7 cept to the extent that—

8 (1) statutes preclude judicial review; or

9 (2) agency action is committed to agency discretion by law..

10 (b) For the purpose of this chapter—

11 (1) “agency” means each authority of the Government of the
12 United States, whether or not it is within or subject to review
13 by another agency, but does not include—

14 (A) the Congress;

15 (B) the courts of the United States;

16 (C) the governments of the territories or possessions of
17 the United States;

18 (D) the government of the District of Columbia;

19 (E) agencies composed of representatives of the parties
20 or of representatives of organizations of the parties to the
21 disputes determined by them;

22 (F) courts martial and military commissions;

23 (G) military authority exercised in the field in time of war
24 or in occupied territory; or

25 (H) functions conferred by sections 1738, 1739, 1743, and
26 1744 of title 12; chapter 2 of title 41; or sections 1622, 1641

27 (b) (2), 1884, and 1891–1902 of title 50, appendix; and

28 (2) “person”, “rule”, “order”, “license”, “sanction”, “relief”,
29 and “agency action” have the meanings given them by section 551
30 of this title.

31 **§ 702. Right of review**

32 A person suffering legal wrong because of agency action, or ad-
33 versely affected or aggrieved by agency action within the meaning of
34 a relevant statute, is entitled to judicial review thereof.

1 **§ 703. Form and venue of proceeding**

2 The form of proceeding for judicial review is the special statutory
3 review proceeding relevant to the subject matter in a court specified
4 by statute or, in the absence or inadequacy thereof, any applicable
5 form of legal action, including actions for declaratory judgments or
6 writs of prohibitory or mandatory injunction or habeas corpus, in a
7 court of competent jurisdiction. Except to the extent that prior, ade-
8 quate, and exclusive opportunity for judicial review is provided by
9 law, agency action is subject to judicial review in civil or criminal
10 proceedings for judicial enforcement.

11 **§ 704. Actions reviewable**

12 Agency action made reviewable by statute and final agency action for
13 which there is no other adequate remedy in a court are subject to judi-
14 cial review. A preliminary, procedural, or intermediate agency action
15 or ruling not directly reviewable is subject to review on the review of
16 the final agency action. Except as otherwise expressly required by
17 statute, agency action otherwise final is final for the purposes of this
18 section whether or not there has been presented or determined an
19 application for a declaratory order, for any form of reconsideration,
20 or, unless the agency otherwise requires by rule and provides that the
21 action meanwhile is inoperative, for an appeal to superior agency
22 authority.

23 **§ 705. Relief pending review**

24 When an agency finds that justice so requires, it may postpone the
25 effective date of action taken by it, pending judicial review. On such
26 conditions as may be required and to the extent necessary to prevent
27 irreparable injury, the reviewing court, including the court to which
28 a case may be taken on appeal from or on application for certiorari or
29 other writ to a reviewing court, may issue all necessary and appropri-
30 ate process to postpone the effective date of an agency action or to
31 preserve status or rights pending conclusion of the review proceedings.

32 **§ 706. Scope of review**

33 To the extent necessary to decision and when presented, the review-
34 ing court shall decide all relevant questions of law, interpret constitu-
35 tional and statutory provisions, and determine the meaning or appli-
36 cability of the terms of an agency action. The reviewing court shall—

- 37 (1) compel agency action unlawfully withheld or unreasonably
38 delayed; and

(2) hold unlawful and set aside agency action, findings, and conclusions found to be—

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

(D) without observance of procedure required by law;

(E) unsupported by substantial evidence in a case subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or

(F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

PART II—THE UNITED STATES CIVIL SERVICE COMMISSION

CHAPTER	Sec.
11. ORGANIZATION.....	1101
13. SPECIAL AUTHORITY.....	1301
15. POLITICAL ACTIVITY OF CERTAIN STATE AND LOCAL EMPLOYEES.....	1501

CHAPTER 11—ORGANIZATION

Sec.

1101. Appointment of Commissioners.

1102. Term of office; filling vacancies; removal.

1103. Chairman; Vice Chairman; Executive Director.

1104. Functions of Chairman.

1105. Boards of examiners.

§ 1101. Appointment of Commissioners

The United States Civil Service Commission is composed of three members appointed by the President, by and with the advice and consent of the Senate, not more than two of whom may be adherents of the same political party and none of whom may hold another office or position in the Government of the United States.

§ 1102. Term of office; filling vacancies; removal

(a) The term of office of each Civil Service Commissioner is 6 years. The term of one Commissioner ends on March 1 of each odd-numbered year.

(b) A Commissioner appointed to fill a vacancy occurring before the end of the term of office of his predecessor, serves for the remainder of that term. The appointment is subject to the requirements of section 1101 of this title.

1 (c) When the term of office of a Commissioner ends, he may con-
2 tinue to serve until his successor is appointed and has qualified.

3 (d) The President may remove a Commissioner.

4 **§ 1103. Chairman; Vice Chairman; Executive Director**

5 (a) The President shall from time to time designate one of the
6 Commissioners as the presiding head of the Civil Service Commission
7 with the title of "Chairman, United States Civil Service Commission".
8 The Chairman is the chief executive and administrative officer of the
9 Commission.

10 (b) The President shall from time to time designate one of the
11 Commissioners as Vice Chairman of the Commission. During the
12 absence or disability of the Chairman, or when the office is vacant, the
13 Vice Chairman shall perform the functions vested in the Chairman
14 by section 1104 of this title.

15 (c) During the absence or disability of both the Chairman and the
16 Vice Chairman, or when both offices are vacant, the remaining Com-
17 missioner shall perform the functions vested in the Chairman by
18 section 1104 of this title.

19 (d) There is under the Chairman an Executive Director who is
20 appointed in the competitive service by the Chairman. During the
21 absence or disability of all three Commissioners, or when the offices of
22 the three Commissioners are vacant, the Executive Director shall per-
23 form the functions vested in the Chairman by section 1104 of this title.
24 However, the Executive Director may not sit as a member or acting
25 member of the Commission.

26 **§ 1104. Functions of Chairman**

27 (a) The following functions are vested in the Chairman, United
28 States Civil Service Commission, and shall be performed by him or,
29 subject to his direction and control, by such employees under his juris-
30 diction as he designates—

31 (1) acting with Civil Service Commission boards of examiners,
32 so far as practicable, to secure accuracy, uniformity, and justice in
33 their proceedings;

34 (2) appointing individuals employed under the Commission,
35 including an employee to have such functions and duties with
36 respect to retirement, life insurance, and health benefits programs
37 as the Commission may prescribe, except that—

38 (A) employees who are engaged regularly and full time in
39 assisting the Commission in the performance of functions

reserved to it by subsection (b) of this section are appointed by the Commission; and

(B) the regional directors and the heads of the major administrative units reporting directly to the Chairman or Executive Director are appointed by the Chairman only after consultation with the other Commissioners;

(3) directing, and supervising activities of, employees of the Commission, distributing business among employees and organizational units of the Commission, and directing the internal management of the affairs of the Commission, except that the functions named by this paragraph do not include functions with respect to employees whose appointments remain vested in the Commission by paragraph (2) (A) of this subsection;

(4) directing the preparation of the budget estimates and the use and expenditure of funds; and

(5) executing, administering, and enforcing—

(A) the civil service rules and regulations of the President and the Commission and the statutes governing the same; and

(B) the other activities of the Commission including retirement and classification activities.

(b) The functions named by subsection (a) (5) of this section do not include functions of the Commission with respect to—

(1) the preparation of rules under section 1301 of this title, and the making of an annual report under section 1308(a) (1) of this title;

(2) the prescription of rules, regulations, or similar policy directives;

(3) the prevention of pernicious political activities, including functions under chapter 15 and section 1302(d) of this title;

(4) the hearing or providing for the hearing of appeals, including appeals with respect to examination ratings, veterans' preference, racial and religious discrimination, disciplinary action, performance ratings, and dismissals, and the taking of final action on those appeals;

(5) the recommendation to the President for transmittal to Congress of such legislative or other measures as will promote an efficient civil service and a systematic application of merit system principles, including measures relating to the selection, promotion,

transfer, performance, pay, conditions of service, tenure, and separation of employees;

(6) the investigation of matters pertaining to the administration of functions of the Commission or Chairman; or

(7) the revision and submission of budget estimates to the Bureau of the Budget.

§ 1105. Boards of examiners

(a) The Civil Service Commission shall, in the District of Columbia, and in one or more places in each State and territory or possession of the United States where examinations are to be held, designate at least three individuals in the service of the United States, residing in the State or territory or possession, to be members of Civil Service Commission boards of examiners. The Commission shall consult the head of the agency in which the individuals are serving before designating them as members of a board of examiners. The Commission may at any time substitute another individual residing in the State or territory or possession for one serving as a member of a board of examiners. The boards of examiners shall be so located as to make it reasonably convenient and inexpensive for applicants to attend before them.

(b) The proceedings of the boards of examiners are open to the Chairman, United States Civil Service Commission.

CHAPTER 13—SPECIAL AUTHORITY

Sec.

1301. Rules.

1302. Regulations.

1303. Investigations; reports.

1304. Loyalty investigations; reports; revolving fund.

1305. Hearing examiners.

1306. Oaths to witnesses.

1307. Minutes.

1308. Annual reports.

§ 1301. Rules

The Civil Service Commission shall aid the President, as he may request, in preparing the rules he prescribes under this title for the administration of the competitive service.

§ 1302. Regulations

(a) The Civil Service Commission, subject to the rules prescribed by the President under this title for the administration of the competitive service, shall prescribe regulations for, control, supervise, and preserve the records of, examinations for the competitive service.

(b) The Commission shall prescribe and enforce regulations for the administration of the provisions of this title, and Executive orders

1 issued in furtherance thereof, that implement the Congressional policy
 2 that preference shall be given to preference eligibles in certification
 3 for appointment, and in appointment, reinstatement, reemployment,
 4 and retention, in the competitive service in Executive agencies, perma-
 5 nent or temporary, and in the government of the District of Columbia.

6 (c) The Commission shall prescribe regulations for the adminis-
 7 tration of the provisions of this title that implement the Congressional
 8 policy that preference shall be given to preference eligibles in certifi-
 9 cation for appointment, and in appointment, reinstatement, reemploy-
 10 ment, and retention, in the excepted service in Executive agencies,
 11 permanent or temporary, and in the government of the District of
 12 Columbia.

13 (d) The Commission may prescribe reasonable procedure and reg-
 14 ulations for the administration of its functions under chapter 15 of
 15 this title.

16 **§ 1303. Investigations; reports**

17 The Civil Service Commission may investigate and report on matters
 18 concerning—

19 (1) the enforcement and effect of the rules prescribed by the
 20 President under this title for the administration of the competi-
 21 tive service and the regulations prescribed by the Commission
 22 under section 1302(a) of this title; and

23 (2) the action of an examiner, a board of examiners, and other
 24 employees concerning the execution of the provisions of this title
 25 that relate to the administration of the competitive service.

26 **§ 1304. Loyalty investigations; reports; revolving fund**

27 (a) The Civil Service Commission shall conduct the investigations
 28 and issue the reports required by the following statutes—

29 (1) sections 272b, 281b(e), 290a, and 1434 of title 22;

30 (2) section 1874(c) of title 42; and

31 (3) section 1203(e) of title 6, District of Columbia Code.

32 (b) When an investigation under subsection (a) of this section
 33 develops data indicating that the loyalty of the individual being
 34 investigated is questionable, the Commission shall refer the matter
 35 to the Federal Bureau of Investigation for a full field investigation,
 36 a report of which shall be furnished to the Commission for its informa-
 37 tion and appropriate action.

38 (c) When the President considers it in the national interest, he may
 39 have the investigations of a group or class, which are required by sub-

1 section (a) of this section, made by the Federal Bureau of Investiga-
2 tion rather than the Commission.

3 (d) The investigation and report required by subsection (a) of this
4 section shall be made by the Federal Bureau of Investigation rather
5 than the Commission for those specific positions which the Secretary
6 of State certifies are of a high degree of importance or sensitivity.

7 (e) A revolving fund of \$4,000,000 is available to the Commission
8 without fiscal year limitation for financing investigations, the costs
9 of which are required or authorized by statute to be borne by appro-
10 priations or funds of other agencies. The fund shall be reimbursed
11 from available funds of agencies for investigations made for them at
12 rates estimated by the Commission to be adequate to recover expenses
13 of operation, including provision for accrued annual leave and depre-
14 ciation of equipment purchased by the fund. Any surplus accruing to
15 the fund in a fiscal year may be applied to restore any impairment of
16 the capital of the fund because of variations between the rates charged
17 for work or services and the amount later determined by the Com-
18 mission to be the cost of performing the work or service. Any surplus
19 remaining shall be paid into the general fund of the Treasury of the
20 United States as miscellaneous receipts during the following fiscal
21 year.

22 (f) An agency may use available appropriations to reimburse the
23 Commission or the Federal Bureau of Investigation for the cost of
24 investigations made for them under this section, or to make advances
25 toward their cost. These advances and reimbursements shall be
26 credited directly to the applicable appropriations of the Commission
27 or the Federal Bureau of Investigation.

28 (g) This section does not affect the responsibility of the Federal
29 Bureau of Investigation to investigate espionage, sabotage, or sub-
30 versive acts.

31 **§ 1305. Hearing examiners**

32 For the purpose of sections 3105, 3344, 4301(2)(E), 5362, and 7521
33 and the provisions of section 5335(a)(B) of this title that relate to
34 hearing examiners, the Civil Service Commission may investigate, re-
35 quire reports by agencies, issue reports, including an annual report to
36 Congress, prescribe regulations, appoint advisory committees as nec-
37 essary, recommend legislation, subpoena witnesses and records, and pay
38 witness fees as established for the courts of the United States.

1 **§ 1306. Oaths to witnesses**

2 Each Civil Service Commissioner, including the Chairman, and
3 authorized representatives of the Commission or Chairman, may
4 administer oaths to witnesses in matters pending before the Com-
5 mission.

6 **§ 1307. Minutes**

7 The Civil Service Commission shall keep minutes of its proceedings.

8 **§ 1308. Annual reports**

9 (a) The Civil Service Commission shall make an annual report to
10 the President for transmittal to Congress. The report shall include—

11 (1) a statement of the Commission's actions in the administra-
12 tion of the competitive service, the rules and regulations and
13 exceptions thereto in force, the reasons for exceptions to the rules,
14 the practical effects of the rules and regulations, and any recom-
15 mendations for the more effectual accomplishment of the purposes
16 of the provisions of this title that relate to the administration of
17 the competitive service;

18 (2) the results of the incentive awards program authorized by
19 chapter 45 of this title with related recommendations;

20 (3) at the end of each fiscal year, the names, addresses, and
21 nature of employment of the individuals on whom the Commis-
22 sion has imposed a penalty for prohibited political activity under
23 section 7325 of this title, with a statement of the facts on which
24 action was taken, and the penalty imposed; and

25 (4) a statement, in the form determined by the Commission
26 with the approval of the President, on the training of employees
27 under chapter 41 of this title, including—

28 (A) a summary of information concerning the operation
29 and results of the training programs and plans of the
30 agencies;

31 (B) a summary of information received by the Commis-
32 sion from the agencies under section 4113(b) of this title; and

33 (C) the recommendations and other matters considered
34 appropriate by the President or the Commission or required
35 by Congress.

36 (b) The Commission shall report annually to the President for
37 transmittal to Congress on the administration of chapter 41 of this
38 title, including the information received by the Commission from the
39 agencies under section 4113(b) (2) and (3) of this title.

(c) The Commission shall publish an annual report on the operation of subchapter III of chapter 83 of this title, including a statement concerning the status of the Civil Service Retirement and Disability Fund on a normal cost plus interest basis.

(d) The Commission shall report annually to Congress on the operation of chapter 87 of this title.

(e) The Commission shall report annually to Congress on the operation of chapter 89 of this title.

CHAPTER 15—POLITICAL ACTIVITY OF CERTAIN STATE AND LOCAL EMPLOYEES

Sec.

1501. Definitions.

1502. Influencing elections; taking part in political campaigns; prohibitions; exceptions.

1503. Nonpartisan political activity permitted.

1504. Investigations; notice of hearing.

1505. Hearings; adjudications; notice of determinations.

1506. Orders; withholding loans or grants; limitations.

1507. Subpenas and depositions.

1508. Judicial review.

§ 1501. Definitions

For the purpose of this chapter—

(1) “State” means a State or territory or possession of the United States;

(2) “State or local agency” means the executive branch of a State, municipality, or other political subdivision of a State, or an agency or department thereof;

(3) “Federal agency” means an Executive agency or other agency of the United States, but does not include a member bank of the Federal Reserve System;

(4) “State or local officer or employee” means an individual employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency, but does not include—

(A) an individual who exercises no functions in connection with that activity; or

(B) an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization; and

(5) the phrase “an active part in political management or in

1 political campaigns” means those acts of political management or
 2 political campaigning which were prohibited on the part of em-
 3 ployees in the competitive service before July 19, 1940, by deter-
 4 minations of the Civil Service Commission under the rules
 5 prescribed by the President.

6 **§ 1502. Influencing elections; taking part in political campaigns;**
 7 **prohibitions; exceptions**

8 (a) A State or local officer or employee may not—

9 (1) use his official authority or influence for the purpose of
 10 interfering with or affecting the result of an election or a nomina-
 11 tion for office;

12 (2) directly or indirectly coerce, attempt to coerce, command,
 13 or advise a State or local officer or employee to pay, lend, or con-
 14 tribute anything of value to a party, committee, organization,
 15 agency, or person for political purposes; or

16 (3) take an active part in political management or in political
 17 campaigns.

18 (b) A State or local officer or employee retains the right to vote as
 19 he chooses and to express his opinions on political subjects and
 20 candidates.

21 (c) Subsection (a) (3) of this section does not apply to—

22 (1) the Governor or Lieutenant Governor of a State or an
 23 individual authorized by law to act as Governor;

24 (2) the mayor of a city;

25 (3) a duly elected head of an executive department of a State
 26 or municipality who is not classified under a State or municipal
 27 merit or civil-service system; or

28 (4) an individual holding elective office.

29 **§ 1503. Nonpartisan political activity permitted**

30 Section 1502(a) (3) of this title does not prohibit political activity
 31 in connection with—

32 (1) an election and the preceding campaign if none of the
 33 candidates is to be nominated or elected at that election as rep-
 34 resenting a party any of whose candidates for presidential elector
 35 received votes in the last preceding election at which presidential
 36 electors were selected; or

37 (2) a question which is not specifically identified with a Na-
 38 tional or State political party.

39 For the purpose of this section, questions relating to constitutional
 40 amendments, referendums, approval of municipal ordinances, and

others of a similar character, are deemed not specifically identified with a National or State political party.

§ 1504. Investigations; notice of hearing

When a Federal agency charged with the duty of making a loan or grant of funds of the United States for use in an activity by a State or local officer or employee has reason to believe that the officer or employee has violated section 1502 of this title, it shall report the matter to the Civil Service Commission. On receipt of the report, or on receipt of other information which seems to the Commission to warrant an investigation, the Commission shall—

(1) fix a time and place for a hearing; and

(2) send, by registered or certified mail, to the officer or employee charged with the violation and to the State or local agency employing him a notice setting forth a summary of the alleged violation and giving the time and place of the hearing.

The hearing may not be held earlier than 10 days after the mailing of the notice.

§ 1505. Hearings; adjudications; notice of determinations

Either the State or local officer or employee or the State or local agency employing him, or both, are entitled to appear with counsel at the hearing under section 1504 of this title, and be heard. After this hearing, the Civil Service Commission shall—

(1) determine whether a violation of section 1502 of this title has occurred;

(2) determine whether the violation warrants the removal of the officer or employee from his office or employment; and

(3) notify the officer or employee and the agency of the determination by registered or certified mail.

§ 1506. Orders; withholding loans or grants; limitations

(a) When the Civil Service Commission finds—

(1) that a State or local officer or employee has not been removed from his office or employment within 30 days after notice of a determination by the Commission that he has violated section 1502 of this title and that the violation warrants removal; or

(2) that the State or local officer or employee has been removed and has been appointed within 18 months after his removal to an office or employment in the same State in a State or local agency which does not receive loans or grants from a Federal agency;

the Commission shall make and certify to the appropriate Federal agency an order requiring that agency to withhold from its loans or

1 grants to the State or local agency to which notice was given an
2 amount equal to 2 years' pay at the rate the officer or employee was
3 receiving at the time of the violation. When the State or local agency
4 to which appointment within 18 months after removal has been made
5 is one that receives loans or grants from a Federal agency, the Com-
6 mission order shall direct that the withholding be made from that
7 State or local agency.

8 (b) Notice of the order shall be sent by registered or certified mail
9 to the State or local agency from which the amount is ordered to be
10 withheld. After the order becomes final, the Federal agency to which
11 the order is certified shall withhold the amount in accordance with
12 the terms of the order. Except as provided by section 1508 of this
13 title, a determination or order of the Commission becomes final at the
14 end of 30 days after mailing the notice of the determination or order.

15 (c) The Commission may not require an amount to be withheld
16 from a loan or grant pledged by a State or local agency as security for
17 its bonds or notes if the withholding of that amount would jeopardize
18 the payment of the principal or interest on the bonds or notes.

19 **§ 1507. Subpenas and depositions**

20 (a) The Civil Service Commission may require by subpoena the
21 attendance and testimony of witnesses and the production of docu-
22 mentary evidence relating to any matter before it as a result of this
23 chapter. Any member of the Commission may sign subpoenas, and
24 members of the Commission and its examiners when authorized by
25 the Commission may administer oaths, examine witnesses, and receive
26 evidence. The attendance of witnesses and the production of docu-
27 mentary evidence may be required from any place in the United States
28 at the designated place of hearing. In case of disobedience to a sub-
29 pena, the Commission may invoke the aid of a court of the United
30 States in requiring the attendance and testimony of witnesses and the
31 production of documentary evidence. In case of contumacy or refusal
32 to obey a subpoena issued to a person, the United States District Court
33 within whose jurisdiction the inquiry is carried on may issue an order
34 requiring him to appear before the Commission, or to produce docu-
35 mentary evidence if so ordered, or to give evidence concerning the
36 matter in question; and any failure to obey the order of the court may
37 be punished by the court as a contempt thereof.

38 (b) The Commission may order testimony to be taken by deposi-
39 tion at any stage of a proceeding or investigation before it as a result
40 of this chapter. Depositions may be taken before an individual desig-
41 nated by the Commission and having the power to administer oaths.

1 Testimony shall be reduced to writing by the individual taking the
2 deposition, or under his direction, and shall be subscribed by the
3 deponent. Any person may be compelled to appear and depose and
4 to produce documentary evidence before the Commission as provided
5 by this section.

6 (c) A person may not be excused from attending and testifying
7 or from producing documentary evidence or in obedience to a subpoena
8 on the ground that the testimony or evidence, documentary or other-
9 wise, required of him may tend to incriminate him or subject him to
10 a penalty or forfeiture for or on account of any transaction, matter,
11 or thing concerning which he is compelled to testify, or produce evi-
12 dence, documentary or otherwise, before the Commission in obedience
13 to a subpoena issued by it. A person so testifying is not exempt from
14 prosecution and punishment for perjury committed in so testifying.

15 **§ 1508. Judicial review**

16 A party aggrieved by a determination or order of the Civil Service
17 Commission under section 1504, 1505, or 1506 of this title may, within
18 30 days after the mailing of notice of the determination or order,
19 institute proceedings for review thereof by filing a petition in the
20 United States District Court for the district in which the State or
21 local officer or employee resides. The institution of the proceedings
22 does not operate as a stay of the determination or order unless—

23 (1) the court specifically orders a stay; and

24 (2) the officer or employee is suspended from his office or em-
25 ployment while the proceedings are pending.

26 A copy of the petition shall immediately be served on the Commission,
27 and thereupon the Commission shall certify and file in the court a
28 transcript of the record on which the determination or order was
29 made. The court shall review the entire record including questions of
30 fact and questions of law. If application is made to the court for leave
31 to adduce additional evidence, and it is shown to the satisfaction of
32 the court that the additional evidence may materially affect the result
33 of the proceedings and that there were reasonable grounds for failure
34 to adduce this evidence in the hearing before the Commission, the
35 court may direct that the additional evidence be taken before the Com-
36 mission in the manner and on the terms and conditions fixed by the
37 court. The Commission may modify its findings of fact or its deter-
38 mination or order in view of the additional evidence and shall file with
39 the court the modified findings, determination, or order; and the modi-

1 fied findings of fact, if supported by substantial evidence, are con-
2 clusive. The court shall affirm the determination or order, or the modi-
3 fied determination or order, if the court determines that it is in accord-
4 ance with law. If the court determines that the determination or
5 order, or the modified determination or order, is not in accordance with
6 law, the court shall remand the proceeding to the Commission with
7 directions either to make a determination or order determined by the
8 court to be lawful or to take such further proceedings as, in the opinion
9 of the court, the law requires. The judgment and decree of the court
10 are final, subject to review by the appropriate United States Court of
11 Appeals as in other cases, and the judgment and decree of the court
12 of appeals are final, subject to review by the Supreme Court of the
13 United States on certiorari or certification as provided by section 1254
14 of title 28. If a provision of this section is held to be invalid as applied
15 to a party by a determination or order of the Commission, the deter-
16 mination or order becomes final and effective as to that party as if the
17 provision had not been enacted.

18 **PART III—EMPLOYEES**

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Subpart A—General Provisions

CHAPTER 21—DEFINITIONS

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- 2101. Civil service; armed forces; uniformed services.
- 2102. The competitive service.
- 2103. The excepted service.
- 2104. Officer.
- 2105. Employee.
- 2106. Member of Congress.
- 2107. Congressional employee.
- 2108. Veteran; disabled veteran; preference eligible.

§ 2101. Civil service; armed forces; uniformed services

For the purpose of this title—

(1) the “civil service” consists of all appointive positions in the executive, judicial, and legislative branches of the Government of the United States, except positions in the uniformed services;

(2) “armed forces” mean the Army, Navy, Air Force, Marine Corps, and Coast Guard; and

(3) “uniformed services” means the armed forces, the commissioned corps of the Public Health Service, and the commissioned corps of the Coast and Geodetic Survey.

§ 2102. The competitive service

(a) The “competitive service” consists of—

(1) all civil service positions in the executive branch, except—

(A) positions which are specifically excepted from the competitive service by or under statute; and

(B) positions to which appointments are made by nomination for confirmation by the Senate, unless the Senate otherwise directs;

(2) civil service positions not in the executive branch which are specifically included in the competitive service by statute; and

(3) positions in the government of the District of Columbia which are specifically included in the competitive service by statute.

(b) Notwithstanding subsection (a)(1)(B) of this section, the “competitive service” includes positions to which appointments are

1 made by nomination for confirmation by the Senate when specifically
2 included therein by statute.

3 (c) As used in other Acts of Congress, "classified civil service" or
4 "classified service" means the "competitive service".

5 **§ 2103. The excepted service**

6 (a) For the purpose of this title, the "excepted service" consists
7 of those civil service positions which are not in the competitive service.

8 (b) As used in other Acts of Congress, "unclassified civil service"
9 or "unclassified service" means the "excepted service".

10 **§ 2104. Officer**

11 For the purpose of this title, "officer", except when specifically modi-
12 fied, means a justice or judge of the United States and an individual
13 who is—

14 (1) required by law to be appointed in the civil service by one
15 of the following acting in an official capacity—

16 (A) the President;

17 (B) a court of the United States;

18 (C) the head of an Executive agency; or

19 (D) the Secretary of a military department;

20 (2) engaged in the performance of a Federal function under
21 authority of law or an Executive act; and

22 (3) subject to the supervision of an authority named by para-
23 graph (1) of this section, or the Judicial Conference of the United
24 States, while engaged in the performance of the duties of his
25 office.

26 **§ 2105. Employee**

27 (a) For the purpose of this title, "employee", except as otherwise
28 provided by this section or when specifically modified, means an officer
29 and an individual who is—

30 (1) appointed in the civil service by one of the following acting
31 in an official capacity—

32 (A) the President;

33 (B) a Member or Members of Congress, or the Congress;

34 (C) a member of a uniformed service; or

35 (D) an individual who is an employee under this section;

36 (2) engaged in the performance of a Federal function under
37 authority of law or an Executive act; and

38 (3) subject to the supervision of an individual named by para-
39 graph (1) of this subsection while engaged in the performance of
40 the duties of his position.

1 (b) An individual employed at the United States Naval Academy
 2 in the midshipmen's laundry, the midshipmen's tailor shop, the mid-
 3 shipmen's cobbler and barber shops, and the midshipmen's store,
 4 except an individual employed by the Academy dairy, is deemed an
 5 employee.

6 (c) An employee paid from nonappropriated funds of the Army
 7 and Air Force Exchange Service, Army and Air Force Motion
 8 Picture Service, Navy Ship's Stores Ashore, Navy exchanges, Marine
 9 Corps exchanges, Coast Guard exchanges, and other instrumentalities
 10 of the United States under the jurisdiction of the armed forces con-
 11 ducted for the comfort, pleasure, contentment, and mental and phys-
 12 ical improvement of personnel of the armed forces is deemed not an
 13 employee for the purpose of—

14 (1) laws administered by the Civil Service Commission; or

15 (2) subchapter I of chapter 81 and section 7902 of this title.

16 This subsection does not affect the status of these nonappropriated
 17 fund activities as Federal instrumentalities.

18 (d) A Reserve of the armed forces who is not on active duty or who
 19 is on active duty for training is deemed not an employee or an indi-
 20 vidual holding an office of trust or profit or discharging an official
 21 function under or in connection with the United States because of
 22 his appointment, oath, or status, or any duties or functions performed
 23 or pay or allowances received in that capacity.

24 **§ 2106. Member of Congress**

25 For the purpose of this title, "Member of Congress" means the Vice
 26 President, a member of the Senate or the House of Representatives,
 27 and the Resident Commissioner from Puerto Rico.

28 **§ 2107. Congressional employee**

29 For the purpose of this title, "Congressional employee" means—

30 (1) an employee of either House of Congress, of a committee
 31 of either House, or of a joint committee of the two Houses;

32 (2) an elected officer of either House who is not a Member of
 33 Congress;

34 (3) the Legislative Counsel of either House and an employee
 35 of his office;

36 (4) a member of the Capitol Police;

37 (5) an employee of a Member of Congress if the pay of the
 38 employee is paid by the Secretary of the Senate or the Clerk of
 39 the House of Representatives;

40 (6) an Official Reporter of Debates of the Senate, and an indi-

vidual employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties; and (7) the Architect of the Capitol and an employee of the Architect of the Capitol.

§ 2108. Veteran; disabled veteran; preference eligible

For the purpose of this title—

(1) “veteran” means an individual who served on active duty in the armed forces during a war, in a campaign or expedition for which a campaign badge has been authorized, or during the period beginning April 28, 1952, and ending July 1, 1955, and has been separated therefrom under honorable conditions;

(2) “disabled veteran” means an individual who has served on active duty in the armed forces, has been separated therefrom under honorable conditions, and has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the Veterans’ Administration or a military department; and

(3) “preference eligible” means—

(A) a veteran;

(B) a disabled veteran;

(C) the unmarried widow of a veteran;

(D) the wife of a service-connected disabled veteran if the veteran has been unable to qualify for any appointment in the civil service or in the government of the District of Columbia;

(E) the mother of an individual who lost his life under honorable conditions while serving in the armed forces during a period named by paragraph (1) of this section, if—

(i) her husband is totally and permanently disabled;

(ii) she is widowed, divorced, or separated from the father and has not remarried; or

(iii) she has remarried but is widowed, divorced, or legally separated from her husband when preference is claimed; and

(F) the mother of a service-connected permanently and totally disabled veteran, if—

(i) her husband is totally and permanently disabled;

(ii) she is widowed, divorced, or separated from the father and has not remarried; or

(iii) she has remarried but is widowed, divorced, or legally separated from her husband when preference is claimed.

CHAPTER 29—COMMISSIONS, OATHS, RECORDS, AND REPORTS

SUBCHAPTER I—COMMISSIONS, OATHS, AND RECORDS

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- 2901. Commission of an officer.
- 2902. Commission; where recorded.
- 2903. Oath; authority to administer.
- 2904. Oath; administered without fees.
- 2905. Oath; renewal.
- 2906. Oath; custody.

SUBCHAPTER II—REPORTS

Sec.

- 2951. Reports to the Civil Service Commission.
- 2952. Time of making annual reports.
- 2953. Reports to Congress on additional employee requirements.
- 2954. Information to committees of Congress on request.

SUBCHAPTER I—COMMISSIONS, OATHS, AND RECORDS

§ 2901. Commission of an officer

The President may make out and deliver, after adjournment of the Senate, the commission of an officer whose appointment has been confirmed by the Senate.

§ 2902. Commission; where recorded

(a) Except as provided by subsections (b) and (c) of this section, the Secretary of State shall make out and record, and affix the seal of the United States to, the commission of an officer appointed by the President. The seal of the United States may not be affixed to the commission before the commission has been signed by the President, without the special warrant of the President therefor.

(b) The commission of an officer in the civil service or uniformed services under the control of the Postmaster General, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of a military department, the Secretary of the Interior, or the Secretary of the Treasury shall be made out and recorded in the department in which he is to serve under the seal of that department. The departmental seal may not be affixed to the commission before the commission has been signed by the President.

(c) The commissions of judicial officers and United States attorneys and marshals, appointed by the President, by and with the advice and consent of the Senate, and other commissions which before August 8, 1888, were prepared at the Department of State on the requisition of the Attorney General, shall be made out and recorded in the Depart-

1 ment of Justice under the seal of that department and countersigned
 2 by the Attorney General. The departmental seal may not be affixed
 3 to the commission before the commission has been signed by the Presi-
 4 dent.

5 **§ 2903. Oath; authority to administer**

6 (a) The oath of office required by section 3331 of this title may be
 7 administered by an individual authorized by the laws of the United
 8 States or local law to administer oaths in the State, District, or ter-
 9 ritory or possession of the United States where the oath is
 10 administered.

11 (b) An employee of an Executive agency designated in writing by
 12 the head of the Executive agency may administer—

13 (1) the oath of office required by section 3331 of this title, inci-
 14 dent to entrance into the executive branch; or

15 (2) any other oath required by law in connection with employ-
 16 ment in the executive branch.

17 (c) An oath authorized or required under the laws of the United
 18 States may be administered by—

19 (1) the Vice President; or

20 (2) an individual authorized by local law to administer oaths
 21 in the State, District, or territory or possession of the United
 22 States where the oath is administered.

23 **§ 2904. Oath; administered without fees**

24 An employee of an Executive agency who is authorized to admin-
 25 ister the oath of office required by section 3331 of this title, or any other
 26 oath required by law in connection with employment in the executive
 27 branch, may not charge or receive a fee or pay for administering the
 28 oath.

29 **§ 2905. Oath; renewal**

30 (a) An employee of an Executive agency or an individual employed
 31 by the government of the District of Columbia who, on original ap-
 32 pointment, subscribed to the oath of office required by section 3331 of
 33 this title is not required to renew the oath because of a change in
 34 status so long as his service is continuous in the agency in which he is
 35 employed, unless, in the opinion of the head of the Executive agency or
 36 the Commissioners of the District of Columbia, the public interest so
 37 requires.

38 (b) An individual who, on appointment as an employee of a House
 39 of Congress, subscribed to the oath of office required by section 3331 of
 40 this title is not required to renew the oath so long as his service as an
 41 employee of that House of Congress is continuous.

§ 2906. Oath; custody

The oath of office taken by an individual under section 3331 of this title shall be delivered by him to, and preserved by, the House of Congress, agency, or court to which the office pertains.

SUBCHAPTER II—REPORTS

§ 2951. Reports to the Civil Service Commission

The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that—

(1) the appointing authority notify the Civil Service Commission in writing of the following actions and their dates as to each individual selected for appointment in the competitive service from among those who have been examined—

(A) appointment and residence of appointee;

(B) separation during probation;

(C) transfer;

(D) resignation; and

(E) removal; and

(2) the Commission keep records of these actions.

§ 2952. Time of making annual reports

Except when a different time is specifically prescribed by statute, the head of each Executive department or military department shall make the annual reports, required to be submitted to Congress, at the beginning of each regular session of Congress. The reports shall cover the transactions of the preceding year.

§ 2953. Reports to Congress on additional employee requirements

(a) Each report, recommendation, or other communication, of an official nature, of an Executive agency which—

(1) relates to pending or proposed legislation which, if enacted, will entail an estimated annual expenditure of appropriated funds in excess of \$1,000,000;

(2) is submitted or transmitted to Congress or a committee thereof in compliance with law or on the initiative of the appropriate authority of the executive branch; and

(3) officially proposes or recommends the creation or expansion, either by action of Congress or by administrative action, of a function, activity, or authority of the Executive agency to be in addition to those functions, activities, and authorities thereof existing when the report, recommendation, or other communication is so submitted or transmitted;

shall contain a statement, concerning the Executive agency, for each of the first 5 fiscal years during which each additional or expanded

1 function, activity, or authority so proposed or recommended is to be
2 in effect, setting forth the following information—

3 (A) the estimated maximum additional—

4 (i) man-years of civilian employment, by general cate-
5 gories of positions;

6 (ii) expenditures for personal services; and

7 (iii) expenditures for all purposes other than personal
8 services;

9 which are attributable to the function, activity, or authority and
10 which will be required to be effected by the Executive agency in
11 connection with the performance thereof; and

12 (B) such other statement, discussion, explanation, or other in-
13 formation as is considered advisable by the appropriate authority
14 of the executive branch or that is required by Congress or a com-
15 mittee thereof.

16 (b) Subsection (a) of this section does not apply to—

17 (1) the Central Intelligence Agency;

18 (2) a Government controlled corporation; or

19 (3) the General Accounting Office.

20 **§ 2954. Information to committees of Congress on request**

21 An Executive agency, on request of the Committee on Government
22 Operations of the House of Representatives, or of any seven members
23 thereof, or on request of the Committee on Government Operations
24 of the Senate, or any five members thereof, shall submit any informa-
25 tion requested of it relating to any matter within the jurisdiction of
26 the committee.

27 **Subpart B—Employment and Retention**

28 **CHAPTER 31—AUTHORITY FOR EMPLOYMENT**

Sec.

3101. General authority to employ; restrictions on voluntary service and service
in excess of that authorized.

3102. Employment of readers for blind employees.

3103. Employment at seat of Government only for services rendered.

3104. Employment of specially qualified scientific and professional personnel.

3105. Appointment of hearing examiners.

3106. Employment of attorneys; restrictions.

3107. Employment of publicity experts; restrictions.

3108. Employment of detective agencies; restrictions.

3109. Employment of experts and consultants; temporary or intermittent.

29 **§ 3101. General authority to employ; restrictions on voluntary**
30 **service and service in excess of that authorized**

31 (a) Each Executive agency, military department, and the govern-
32 ment of the District of Columbia may employ such number of em-

employees of the various classes recognized by chapter 51 of this title as Congress may appropriate for from year to year.

(b) An officer of a uniformed service or an employee may not accept voluntary service for the United States or employ personal service in excess of that authorized by statute, except in an emergency involving the safety of human life or the protection of property. In addition to any penalty or liability under other statute, an officer of a uniformed service or an employee who violates this subsection is subject to appropriate administrative discipline, including suspension without pay or removal from the service. This subsection does not prevent the Secretary of the Army or the Secretary of the Air Force from accepting the gratuitous services of officers of the Army Reserve or the Air Force Reserve in the furtherance of the enrollment, organization, and training of the Army Reserve, the Air Force Reserve, or the Reserve Officers' Training Corps or in consultation on matters relating to the military service.

(c) If an officer of a uniformed service, an employee of an Executive agency, or an individual employed by the government of the District of Columbia violates subsection (b) of this section, the head of the Executive agency or military department concerned or the Commissioners of the District of Columbia immediately shall report to the President, through the Director of the Bureau of the Budget, and to Congress all pertinent facts together with a statement of the action taken thereon.

§ 3102. Employment of readers for blind employees

(a) For the purpose of this section—

(1) "agency" means—

(A) an Executive agency;

(B) the Library of Congress; and

(C) the government of the District of Columbia;

(2) "head of each agency" means the Board of Commissioners of the District of Columbia with respect to the government of the District of Columbia;

(3) "blind employee" means an individual employed by an agency who establishes, to the satisfaction of the appropriate authority of the agency concerned and under regulations of the head of that agency, that he has an impairment of sight, either permanent or temporary, which is so severe or disabling that the employment of a reading assistant or assistants for that individual

1 is necessary or desirable to enable him properly to perform his
2 work; and

3 (4) "nonprofit organization" means an organization determined
4 by the Secretary of the Treasury to be an organization described
5 by section 501(c) of title 26 which is exempt from taxation under
6 section 501(a) of title 26.

7 (b) The head of each agency may employ a reading assistant or
8 assistants for a blind employee of his agency, to serve without pay
9 from the agency, without regard to—

10 (1) the provisions of this title governing appointment in the
11 competitive service; and

12 (2) chapter 51 and subchapter III of chapter 53 of this title.

13 A reading assistant so employed may be paid and receive pay for his
14 services as reading assistant by and from the blind employee or a non-
15 profit organization, without regard to section 209 of title 18.

16 (c) This section may not be held or considered to prevent or limit in
17 any way the assignment to a blind employee by an agency of clerical
18 or secretarial assistance, at the expense of the agency and under
19 statutes and regulations currently applicable at the time, if that as-
20 sistance normally is provided, or authorized to be provided, in that
21 manner under currently applicable statutes and regulations.

22 **§ 3103. Employment at seat of Government only for services**
23 **rendered**

24 An individual may be employed in the civil service in an Executive
25 department at the seat of Government only for services actually
26 rendered in connection with and for the purposes of the appropriation
27 from which he is paid. An individual who violates this section shall
28 be removed from the service.

29 **§ 3104. Employment of specially qualified scientific and profes-**
30 **sional personnel**

31 (a) The head of an agency named below may establish scientific
32 or professional positions to carry out the research and development
33 functions of his agency which require the services of specially qualified
34 personnel within the following limits:

35 (1) Department of the Interior—not more than 8.

36 (2) Department of Agriculture—not more than 20.

37 (3) Department of Health, Education, and Welfare—not more
38 than 13.

(4) Department of Commerce—not more than 30, of which at least 5 are for the United States Patent Office in its examining and related activities.

(5) Post Office Department—not more than 3.

(6) United States Arms Control and Disarmament Agency—not more than 14.

(7) Library of Congress—not more than 8.

(b) When a general appropriation statute authorizes an agency named by this section to establish and fix the pay of scientific or professional positions similar to those authorized by this section, the number of positions authorized by this section is reduced by the number of positions authorized by the appropriation statute, unless otherwise specifically provided.

(c) The head of each agency authorized to establish and fix the pay of positions under this section and section 5361 of this title shall submit to Congress, not later than December 31 of each year, a report setting forth—

(1) the number of these positions established in his agency during that calendar year; and

(2) the name, rate of pay, and description of the qualifications of each incumbent, together with a statement of the functions performed by each.

When the head of such an agency considers full public report on these items detrimental to the national security, he may omit the items from his annual report and, instead, present the information in executive session of such committee of a House of Congress as the presiding officer thereof may designate.

§ 3105. Appointment of hearing examiners

Each agency shall appoint as many hearings examiners as are necessary for proceedings required to be conducted in accordance with sections 556 and 557 of this title. Hearing examiners shall be assigned to cases in rotation so far as practicable, and may not perform duties inconsistent with their duties and responsibilities as hearing examiners.

§ 3106. Employment of attorneys; restrictions

Except as otherwise authorized by law, the head of an Executive department or military department may not employ an attorney or

1 counsel for the conduct of litigation in which the United States, an
 2 agency, or employee thereof is a party, or is interested, or for the
 3 securing of evidence therefor, but shall refer the matter to the Depart-
 4 ment of Justice. This section does not apply to the employment and
 5 payment of counsel under section 1037 of title 10.

6 **§ 3107. Employment of publicity experts; restrictions**

7 Appropriated funds may not be used to pay a publicity expert
 8 unless specifically appropriated for that purpose.

9 **§ 3108. Employment of detective agencies; restrictions**

10 An individual employed by the Pinkerton Detective Agency, or
 11 similar organization, may not be employed by the Government of the
 12 United States or the government of the District of Columbia.

13 **§ 3109. Employment of experts and consultants; temporary or**
 14 **intermittent**

15 (a) For the purpose of this section—

16 (1) “agency” has the meaning given it by section 5721 of this
 17 title; and

18 (2) “appropriation” includes funds made available by statute
 19 under section 849 of title 31.

20 (b) When authorized by an appropriation or other statute, the head
 21 of an agency may procure by contract the temporary (not in excess of
 22 1 year) or intermittent services of experts or consultants or an
 23 organization thereof, including stenographic reporting services.
 24 Services procured under this section are without regard to—

25 (1) the provisions of this title governing appointment in the
 26 competitive service;

27 (2) chapter 51 and subchapter III of chapter 53 of this title;
 28 and

29 (3) section 5 of title 41, except in the case of stenographic re-
 30 porting services by an organization.

31 However, an agency subject to chapter 51 and subchapter III of
 32 chapter 53 of this title may pay a rate for services under this section
 33 in excess of the daily equivalent of the highest rate payable under
 34 section 5332 of this title only when specifically authorized by the
 35 appropriation or other statute authorizing the procurement of the
 36 services.

CHAPTER 33—EXAMINATION, SELECTION, AND PLACEMENT

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3 SUBCHAPTER I—EXAMINATION, CERTIFICATION, AND 4 APPOINTMENT

5 § 3301. Civil service; generally

6 The President may—

- 7 (1) prescribe such regulations for the admission of individuals
- 8 into the civil service in the executive branch as will best promote
- 9 the efficiency of that service;
- 10 (2) ascertain the fitness of applicants as to age, health, char-
- 11 acter, knowledge, and ability for the employment sought; and
- 12 (3) appoint and prescribe the duties of individuals to make
- 13 inquiries for the purpose of this section.

14 § 3302. Competitive service; rules

15 The President may prescribe rules governing the competitive serv-
16 ice. The rules shall provide, as nearly as conditions of good adminis-
17 tration warrant, for—

- 18 (1) necessary exceptions of positions from the competitive serv-
- 19 ice; and
- 20 (2) necessary exceptions from the provisions of sections 2951,
- 21 3304(a), 3306(a) (1), 3321, 7152, 7153, 7321, and 7322 of this title.

22 Each officer and individual employed in an agency to which the rules
23 apply shall aid in carrying out the rules.

24 § 3303. Competitive service; recommendations of Senators or Rep- 25 resentatives

26 An individual concerned in examining an applicant for or appoint-
27 ing him in the competitive service may not receive or consider a rec-
28 ommendation of the applicant by a Senator or Representative, except
29 as to the character or residence of the applicant.

30 § 3304. Competitive service; examinations

31 (a) The President may prescribe rules which shall provide, as near-
32 ly as conditions of good administration warrant, for—

- 33 (1) open, competitive examinations for testing applicants for
- 34 appointment in the competitive service which are practical in
- 35 character and as far as possible relate to matters that fairly test

the relative capacity and fitness of the applicants for the appointment sought; and

(2) noncompetitive examinations when competent applicants do not compete after notice has been given of the existence of the vacancy.

(b) An individual may be appointed in the competitive service only if he has passed an examination or is specifically excepted from examination under section 3302 of this title. This subsection does not take from the President any authority conferred by section 3301 of this title that is consistent with the provisions of this title governing the competitive service.

(c) Notwithstanding a contrary provision of this title or of the rules and regulations prescribed under this title for the administration of the competitive service, an individual who served—

(1) for at least 3 years in the legislative branch in a position in which he was paid by the Secretary of the Senate or the Clerk of the House of Representatives; or

(2) for at least 4 years as a secretary or law clerk, or both, to a justice or judge of the United States;

acquires a competitive status for transfer to the competitive service if he is involuntarily separated without prejudice from the legislative or judicial branch, passes a suitable noncompetitive examination, and transfers to the competitive service within 1 year of the separation from the legislative or judicial branch. For the purpose of this subsection, an individual who has served for at least 2 years in a position in the legislative branch described by paragraph (1) of this subsection and who is separated from that position to enter the armed forces is deemed to have held that position during his service in the armed forces.

(d) Employees at any place outside the District of Columbia where the President or a Civil Service Commission board of examiners directs that examinations be held shall allow the reasonable use of public buildings for, and in all proper ways facilitate, holding the examinations.

§ 3305. Competitive service; examinations; when held

(a) The Civil Service Commission shall hold examinations for the competitive service at least twice a year in each State and territory or possession of the United States where there are individuals to be examined.

(b) The Commission shall hold an examination for a position to which an appointment has been made within the preceding 3 years, on the application of an individual who qualifies as a preference eligible under section 2108(3)(B)–(F) of this title. The examination shall be held during the quarter following the application.

§ 3306. Competitive service; departmental service; apportionment

(a)(1) The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that appointments in the departmental service in the District of Columbia be apportioned among the States, territories and possessions of the United States, and the District of Columbia on the basis of population as ascertained at the last census.

(2) Paragraph (1) of this subsection does not apply to a preference eligible, but he may be required to furnish evidence of residence and domicile.

(b) An application for examination for appointment in the departmental service in the District of Columbia shall be accompanied by—

(1) a certificate under the seal of an official of the county and State of which the applicant claims to be a resident, that the applicant was a legal or voting resident of the State when he made the application and had been for at least 1 year before making the application; or

(2) a statement of the applicant under oath setting forth his legal or voting residence for 1 year before making the application, accompanied by letters from three reputable citizens of the State in which residence is claimed corroborating the statement.

This subsection does not apply to an employee serving in the competitive service with competitive status who seeks promotion or appointment to another position.

§ 3307. Competitive service; maximum-age requirement; restriction on use of appropriated funds

Appropriated funds may not be used to pay an employee who establishes a maximum-age requirement for entrance into the competitive service.

§ 3308. Competitive service; examinations; educational requirements prohibited; exceptions

The Civil Service Commission or other examining agency may not prescribe a minimum educational requirement for an examination for the competitive service except when the Commission decides that the duties of a scientific, technical, or professional position cannot be

1 performed by an individual who does not have a prescribed minimum
 2 education. The Commission shall make the reasons for its decision
 3 under this section a part of its public records.

4 **§ 3309. Preference eligibles; examinations; additional points for**

5 A preference eligible who receives a passing grade in an examination
 6 for entrance into the competitive service is entitled to additional
 7 points above his earned rating, as follows—

8 (1) a preference eligible under section 2108(3) (B)–(F) of this
 9 title—10 points; and

10 (2) a preference eligible under section 2108(3) (A) of this
 11 title—5 points.

12 **§ 3310. Preference eligibles; examinations; guards, elevator oper-**
 13 **ators, messengers, and custodians**

14 In examinations for positions of guards, elevator operators, mes-
 15 sengers, and custodians in the competitive service, competition is
 16 restricted to preference eligibles as long as preference eligibles are
 17 available.

18 **§ 3311. Preference eligibles; examinations; crediting experience**

19 In examinations for the competitive service in which experience is
 20 an element of qualification, a preference eligible is entitled to credit—

21 (1) for service in the armed forces when his employment in
 22 a similar vocation to that for which examined was interrupted by
 23 the service; and

24 (2) for all experience material to the position for which exam-
 25 ined, including experience gained in religious, civic, welfare,
 26 service, and organizational activities, regardless of whether he
 27 received pay therefor.

28 **§ 3312. Preference eligibles; physical qualifications; waiver**

29 In determining qualifications of a preference eligible for examina-
 30 tion for, appointment in, or reinstatement in the competitive service,
 31 the Civil Service Commission or other examining agency shall waive—

32 (1) requirements as to age, height, and weight, unless the
 33 requirement is essential to the performance of the duties of the
 34 position; and

35 (2) physical requirements if, in the opinion of the Commis-
 36 sion or other examining agency, after considering the recom-
 37 mendation of an accredited physician, the preference eligible is
 38 physically able to perform efficiently the duties of the position.

39 **§ 3313. Competitive service; registers of eligibles**

40 The names of applicants who have qualified in examinations for the

1 competitive service shall be entered on appropriate registers or lists
2 of eligibles in the following order—

3 (1) for scientific and professional positions in GS-9 or higher,
4 in the order of their ratings, including points added under sec-
5 tion 3309 of this title; and

6 (2) for all other positions—

7 (A) disabled veterans who have a compensable service-
8 connected disability of 10 percent or more, in order of their
9 ratings, including points added under section 3309 of this
10 title; and

11 (B) remaining applicants, in the order of their ratings,
12 including points added under section 3309 of this title.

13 The names of preference eligibles shall be entered ahead of others
14 having the same rating.

15 **§ 3314. Registers; preference eligibles who resigned**

16 A preference eligible who resigns, on request to the Civil Service
17 Commission, is entitled to have his name placed again on all registers
18 for which he may have been qualified, in the order named by section
19 3313 of this title.

20 **§ 3315. Registers; preference eligibles furloughed or separated**

21 (a) A preference eligible who has been separated or furloughed
22 without delinquency or misconduct, on request, is entitled to have his
23 name placed on appropriate registers and employment lists for every
24 position for which his qualifications have been established, in the order
25 named by section 3313 of this title. This subsection applies to regis-
26 ters and employment lists maintained by the Civil Service Commis-
27 sion, an Executive agency, or the government of the District of
28 Columbia.

29 (b) The Commission may declare a preference eligible who has
30 been separated or furloughed without pay under section 7512 of this
31 title to be entitled to the benefits of subsection (a) of this section.

32 **§ 3316. Preference eligibles; reinstatement**

33 A preference eligible who has resigned or who has been dismissed
34 or furloughed, on request of an appointing authority, may be certified
35 for, and appointed to, a position for which he is eligible in the com-
36 petitive service, an Executive agency, or the government of the Dis-
37 trict of Columbia.

38 **§ 3317. Competitive service; certification from registers**

39 (a) The Civil Service Commission shall certify enough names from
40 the top of the appropriate register to permit a nominating or appoint-

ing authority who has requested a certificate of eligibles to consider at least three names for appointment to each vacancy in the competitive service.

(b) When an appointing authority, for reasons considered sufficient by the Commission, has three times considered and passed over a preference eligible who was certified from a register, certification of the preference eligible for appointment may be discontinued. However, the preference eligible is entitled to advance notice of discontinuance of certification.

§ 3318. Competitive service; selection from certificates

(a) The nominating or appointing authority shall select for appointment to each vacancy from the highest three eligibles available for appointment on the certificate furnished under section 3317(a) of this title, unless objection to one or more of the individuals certified is made to, and sustained by, the Civil Service Commission for proper and adequate reason under regulations prescribed by the Commission.

(b) An appointing authority who passes over a preference eligible on a certificate and selects an individual who is not a preference eligible shall file written reasons with the Commission for passing over the preference eligible. The Commission shall make these reasons a part of the record of the preference eligible. The Commission may require the submission of more detailed information in support of the passing over of the preference eligible. The Commission shall determine the sufficiency or insufficiency of the reasons submitted and shall send its findings to the appointing authority. The appointing authority shall comply with the findings of the Commission. The preference eligible or his representative, on request, is entitled to a copy of—

(1) the reasons submitted by the appointing authority; and

(2) the findings of the Commission.

(c) When three or more names of preference eligibles are on a reemployment list appropriate for the position to be filled, a nominating or appointing authority may appoint from a register of eligibles established after examination only an individual who qualifies as a preference eligible under section 2108(3)(B)–(F) of this title.

§ 3319. Competitive service; selection; members of family restriction

(a) When two or more members of a family are employed in the competitive service, another member of the same family is not eligible for appointment in the competitive service.

1 (b) Subsection (a) of this section does not apply to a preference
2 eligible.

3 **§ 3320. Excepted service; government of the District of Columbia;**
4 **selection**

5 The nominating or appointing authority shall select for appoint-
6 ment to each vacancy in the excepted service in the executive branch
7 and in the government of the District of Columbia from the qualified
8 applicants in the same manner and under the same conditions required
9 for the competitive service by sections 3308–3318 of this title. This
10 section does not apply to an appointment required by Congress to
11 be confirmed by, or made with the advice and consent of, the Senate.

12 **§ 3321. Competitive service; probation; period of**

13 The President may prescribe rules which shall provide, as nearly
14 as conditions of good administration warrant, that there shall be a
15 period of probation before an appointment in the competitive service
16 becomes absolute.

17 **§ 3322. Competitive service; temporary appointments after age 70**

18 An individual who has reached his 70th birthday may be appointed
19 to a position in the competitive service only on a temporary basis.

20 **§ 3323. Automatic separations; reappointment; reemployment of**
21 **annuitants**

22 (a) Except as provided by subsections (b)–(d) of this section or
23 other statute—

24 (1) an individual who reaches the retirement age prescribed for
25 automatic separation applicable to him may not be continued in
26 the civil service or in the government of the District of Columbia;
27 and

28 (2) an individual separated on account of age under a statute
29 or regulation providing for retirement on account of age is not
30 eligible for appointment in the civil service or in the government
31 of the District of Columbia.

32 The President, when in his judgment the public interest so requires,
33 may except an individual from this subsection by Executive order.
34 This subsection does not apply to an individual named by a statute
35 providing for the continuance of the individual in the civil service or
36 in the government of the District of Columbia.

37 (b) An annuitant as defined by section 8331 of this title receiving
38 annuity from the Civil Service Retirement and Disability Fund is not
39 barred by reason of his retired status from employment in an ap-
40 pointive position for which he is qualified. An annuitant so reem-
41 ployed serves at the will of the appointing authority.

(c) A Foreign Service officer retired under section 1001 or 1002 of title 22 or a Foreign Service staff officer or employee retired under section 1063 of title 22 is not barred by reason of his retired status from employment in a position in the civil service for which he is qualified. An annuitant so reemployed serves at the will of the appointing authority.

(d) The Chief of Engineers of the Army, under section 569a of title 33, may employ a retired employee whose expert assistance is needed in connection with river and harbor or flood control works. There shall be deducted from the pay of an employee so reemployed an amount equal to the annuity or retired pay allocable to the period of actual employment.

§ 3324. Appointments at GS-16, 17, and 18

(a) An appointment to a position in GS-16, 17, or 18 may be made only on approval of the qualifications of the proposed appointee by the Civil Service Commission. This section does not apply to a position—

(1) provided for in section 5108(c)(2) of this title;

(2) to which appointment is made by the President;

(3) to which appointment is made by the Librarian of Congress; or

(4) the incumbent of which is paid from—

(A) appropriations for the Executive Office of the President under the headings “The White House Office”, “Special Projects”, “Council of Economic Advisers”, “National Security Council”, and “Office of Emergency Planning”, or

(B) funds appropriated to the President under the heading “Emergency Fund for the President” by the Treasury, Post Office, and Executive Office Appropriation Act, 1966, or a later statute making appropriations for the same purpose.

(b) The Commission may prescribe regulations necessary for the administration of this section.

§ 3325. Appointments to scientific and professional positions

(a) Positions established under section 3104 of this title are in the competitive service. However, appointments to the positions are made without competitive examination on approval of the qualifications of the proposed appointee by the Civil Service Commission or its designee for this purpose.

(b) This section does not apply to positions established under section 3104(a)(7) of this title.

1 **§ 3326. Appointments of retired members of the armed forces to**
 2 **positions in the Department of Defense**

3 (a) For the purpose of this section, "member" and "Secretary con-
 4 cerned" have the meanings given them by section 101 of title 37.

5 (b) A retired member of the armed forces may be appointed to a
 6 position in the civil service in or under the Department of Defense
 7 (including a nonappropriated fund instrumentality under the juris-
 8 diction of the armed forces) during the period of 180 days immediately
 9 after his retirement only if—

10 (1) the proposed appointment is authorized by the Secretary
 11 concerned or his designee for the purpose, and, if the position is
 12 in the competitive service, after approval by the Civil Service
 13 Commission;

14 (2) the minimum rate of basic pay for the position has been in-
 15 creased under section 5303 of this title; or

16 (3) a state of national emergency exists.

17 (c) A request by appropriate authority for the authorization, or
 18 the authorization and approval, as the case may be, required by sub-
 19 section (b)(1) of this section shall be accompanied by a statement
 20 which shows the actions taken to assure that—

21 (1) full consideration, in accordance with placement and pro-
 22 motion procedures of the department concerned, was given to
 23 eligible career employees;

24 (2) when selection is by other than certification from an estab-
 25 lished civil service register, the vacancy has been publicized to give
 26 interested candidates an opportunity to apply;

27 (3) qualification requirements for the position have not been
 28 written in a manner designed to give advantage to the retired
 29 member; and

30 (4) the position has not been held open pending the retirement
 31 of the retired member.

32 **§ 3327. Postmasters; standards for determination of qualifica-**
 33 **tions**

34 In evaluating the qualifications of applicants for positions of post-
 35 master, the Civil Service Commission shall give, with respect to each
 36 applicant, due and appropriate consideration to experience in the
 37 postal field service, including seniority, length of service, level of

1 difficulty and responsibility of work, attendance, awards and com-
2 mendations, and performance rating.

3 SUBCHAPTER II—OATH OF OFFICE

4 § 3331. Oath of office

5 An individual, except the President, elected or appointed to an office
6 of honor or profit in the civil service or uniformed services, shall take
7 the following oath: "I, AB, do solemnly swear (or affirm) that I will
8 support and defend the Constitution of the United States against all
9 enemies, foreign and domestic; that I will bear true faith and alle-
10 giance to the same; that I take this obligation freely, without any
11 mental reservation or purpose of evasion; and that I will well and
12 faithfully discharge the duties of the office on which I am about to
13 enter. So help me God." This section does not affect other oaths
14 required by law.

15 § 3332. Officer affidavit; no consideration paid for appointment

16 An officer, within 30 days after the effective date of his appoint-
17 ment, shall file with the oath of office required by section 3331 of this
18 title an affidavit that neither he nor anyone acting in his behalf has
19 given, transferred, promised, or paid any consideration for or in the
20 expectation or hope of receiving assistance in securing the appoint-
21 ment.

22 § 3333. Employee affidavit; loyalty and striking against the 23 Government

24 (a) Except as provided by subsection (b) of this section, an indi-
25 vidual who accepts office or employment in the Government of the
26 United States or in the government of the District of Columbia shall
27 execute an affidavit within 60 days after accepting the office or em-
28 ployment that his acceptance and holding of the office or employment
29 does not or will not violate section 7311 of this title. The affidavit is
30 prima facie evidence that the acceptance and holding of office or
31 employment by the affiant does not or will not violate section 7311
32 of this title.

33 (b) An affidavit is not required from an individual employed by
34 the Government of the United States or the government of the District
35 of Columbia for less than 60 days for sudden emergency work involv-
36 ing the loss of human life or the destruction of property. This sub-

1 section does not relieve an individual from liability for violation of
2 section 7311 of this title.

3 SUBCHAPTER III—DETAILS

4 § 3341. Details; within Executive or military departments

5 (a) The head of an Executive department or military department
6 may detail employees among the bureaus and offices of his department,
7 except employees who are required by law to be exclusively engaged
8 on some specific work.

9 (b) Details under subsection (a) of this section may be made only
10 by written order of the head of the department, and may be for not
11 more than 120 days. These details may be renewed by written order
12 of the head of the department, in each particular case, for periods
13 not exceeding 120 days.

14 § 3342. Details; field to departmental service prohibited

15 An employee in the field service may not be detailed for duty in an
16 Executive department in the District of Columbia. This section does
17 not prohibit—

- 18 (1) temporary details for duty connected with the position of
19 the employee detailed;
- 20 (2) details specially provided by law; or
- 21 (3) the detail of one employee of the Bureau of Customs for
22 duty in the Department of the Treasury in the District of Colum-
23 bia.

24 § 3343. Details; to international organizations

25 (a) For the purpose of this section—

26 (1) “agency” means—

27 (A) an Executive agency; and

28 (B) an employing authority in the legislative branch;

29 (2) “employee” means an employee in or under an agency;

30 (3) “international organization” means a public international
31 organization or international-organization preparatory commis-
32 sion in which the Government of the United States participates;
33 and

34 (4) “detail” means the assignment or loan of an employee to
35 an international organization without a change of position from
36 the agency by which he is employed to an international organi-
37 zation.

38 (b) The head of an agency may detail, for a period of not more
39 than 3 years, an employee of his agency to an international orga-
40 nization which requests services.

(c) An employee detailed under subsection (b) of this section is deemed, for the purpose of preserving his allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed, and he is entitled to pay, allowances, and benefits from funds available to that agency. The authorization and payment of these allowances and other benefits from appropriations available therefor is deemed to comply with section 5536 of this title.

(d) Details may be made under subsection (b) of this section—

(1) without reimbursement to the United States by the international organization; or

(2) with agreement by the international organization to reimburse the United States for all or part of the pay, travel expenses, and allowances payable during the detail, and the reimbursement shall be credited to the appropriation, fund, or account used for paying the amounts reimbursed.

(e) An employee detailed under subsection (b) of this section may be paid or reimbursed by an international organization for allowances or expenses incurred in the performance of duties required by the detail, without regard to section 209 of title 18.

§ 3344. Details; hearing examiners

An agency as defined by section 551 of this title which occasionally or temporarily is insufficiently staffed with hearing examiners appointed under section 3105 of this title may use hearing examiners selected by the Civil Service Commission from and with the consent of other agencies.

§ 3345. Details; to office of head of Executive or military department

When the head of an Executive department or military department dies, resigns, or is sick or absent, his first assistant, unless otherwise directed by the President under section 3347 of this title, shall perform the duties of the office until a successor is appointed or the absence or sickness stops.

§ 3346. Details; to subordinate offices

When an officer of a bureau of an Executive department or military department, whose appointment is not vested in the head of the department, dies, resigns, or is sick or absent, his first assistant, unless otherwise directed by the President under section 3347 of this title, shall perform the duties of the office until a successor is appointed or the absence or sickness stops.

1 **§ 3347. Details; Presidential authority**

2 Instead of a detail under section 3345 or 3346 of this title, the
3 President may direct the head of another Executive department or
4 military department or another officer of an Executive department
5 or military department, whose appointment is vested in the President,
6 by and with the advice and consent of the Senate, to perform the
7 duties of the office until a successor is appointed or the absence or
8 sickness stops. This section does not apply to a vacancy in the office
9 of Attorney General.

10 **§ 3348. Details; limited in time**

11 A vacancy caused by death or resignation may be filled temporarily
12 under section 3345, 3346, or 3347 of this title for not more than 30 days.

13 **§ 3349. Details; to fill vacancies; restrictions**

14 A temporary appointment, designation, or assignment of one officer
15 to perform the duties of another under section 3345 or 3346 of this title,
16 may not be made otherwise than as provided by those sections, except
17 to fill a vacancy occurring during a recess of the Senate.

18 SUBCHAPTER IV—TRANSFERS

19 **§ 3351. Preference eligibles; transfer; physical qualifications;**
20 **waiver**

21 In determining qualifications of a preference eligible for transfer
22 to another position in the competitive service, an Executive agency,
23 or the government of the District of Columbia, the Civil Service
24 Commission or other examining agency shall waive—

25 (1) requirements as to age, height, and weight, unless the re-
26 quirement is essential to the performance of the duties of the
27 position; and

28 (2) physical requirements if, in the opinion of the Commission
29 or other examining agency, after considering the recommendation
30 of an accredited physician, the preference eligible is physically
31 able to perform efficiently the duties of the position.

32 This section does not apply to an appointment required by Congress
33 to be confirmed by, or made with the advice and consent of, the Senate,
34 except an appointment made under section 3311 of title 39.

35 SUBCHAPTER V—PROMOTION

36 **§ 3361. Promotion; competitive service; examination**

37 An individual may be promoted in the competitive service only if
38 he has passed an examination or is specifically excepted from examina-

tion under section 3302 of this title. This section does not take from the President any authority conferred by section 3301 of this title that is consistent with the provisions of this title governing the competitive service.

§ 3362. Promotion; effect of incentive award

An agency, in qualifying and selecting an employee for promotion, shall give due weight to an incentive award under chapter 45 of this title. For the purpose of this section, “agency” and “employee” have the meanings given them by section 4501 of this title.

§ 3363. Preference eligibles; promotion; physical qualifications; waiver

In determining qualifications of a preference eligible for promotion to another position in the competitive service, an Executive agency, or the government of the District of Columbia, the Civil Service Commission or other examining agency shall waive—

(1) requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) physical requirements if, in the opinion of the Commission or other examining agency, after considering the recommendation of an accredited physician, the preference eligible is physically able to perform efficiently the duties of the position.

This section does not apply to an appointment required by Congress to be confirmed by, or made with the advice and consent of, the Senate, except an appointment made under section 3311 of title 39.

§ 3364. Promotion; substitute employees in the postal field service

When substitute employees in the postal field service are appointed on the same day, each is entitled to be promoted to the regular force in the order in which his name appeared on the register from which he was originally appointed, if of the required sex, eligible, and willing to accept, unless the vacancy on the regular force is filled by transfer or reinstatement.

**CHAPTER 35—RETENTION PREFERENCE, RESTORATION,
AND REEMPLOYMENT**

SUBCHAPTER I—RETENTION PREFERENCE

Sec.

3501. Definitions; application.

3502. Order of retention.

3503. Transfer of functions.

3504. Preference eligibles; retention; physical qualifications; waiver.

1 SUBCHAPTER II—RESTORATION AFTER ACTIVE DUTY
2 OR TRAINING DUTY

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3551. Restoration; Reserves and National Guardsmen.

3 SUBCHAPTER III—REINSTATEMENT OR RESTORATION
4 AFTER SUSPENSION OR REMOVAL FOR NATIONAL
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Sec.

3571. Reinstatement or restoration; individuals suspended or removed for national security.

6 SUBCHAPTER IV—REEMPLOYMENT AFTER SERVICE
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Sec.

3581. Definitions.

3582. Rights of transferring employees.

3583. Computations.

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8 SUBCHAPTER I—RETENTION PREFERENCE

9 § 3501. Definitions; application

10 (a) For the purpose of this subchapter, except section 3504—

11 (1) “active service” has the meaning given it by section 101 of
12 title 37;

13 (2) “a retired member of a uniformed service” means a member
14 or former member of a uniformed service who is entitled, under
15 statute, to retired, retirement, or retainer pay on account of his
16 service as such a member; and

17 (3) a preference eligible employee who is a retired member of
18 a uniformed service is considered a preference eligible only if—

19 (A) his retirement was based on disability—

20 (i) resulting from injury or disease received in line of
21 duty as a direct result of armed conflict; or

22 (ii) caused by an instrumentality of war and incurred
23 in the line of duty during a period of war as defined by
24 sections 101 and 301 of title 38;

25 (B) his service does not include twenty or more years of
26 full-time active service, regardless of when performed but
27 not including periods of active duty for training; or

28 (C) on November 30, 1964, he was employed in a position
29 to which this subchapter applies and thereafter he continued
30 to be so employed without a break in service of more than 30
31 days.

32 (b) Except as otherwise provided by this subsection and section
33 3504 of this title, this subchapter applies to each employee in or under
34 an Executive agency. This subchapter does not apply to an employee

1 whose appointment is required by Congress to be confirmed by, or made
2 with the advice and consent of, the Senate, except an employee whose
3 appointment is made under section 3311 of title 39.

4 **§ 3502. Order of retention**

5 (a) The Civil Service Commission shall prescribe regulations for
6 the release of competing employees in a reduction in force which
7 give due effect to—

8 (1) tenure of employment;

9 (2) military preference, subject to section 3501(a)(3) of this
10 title;

11 (3) length of service; and

12 (4) efficiency or performance ratings.

13 In computing length of service, a competing employee—

14 (A) who is not a retired member of a uniformed service is
15 entitled to credit for the total length of time in active service in
16 the armed forces; and

17 (B) who is a retired member of a uniformed service is entitled
18 to credit for—

19 (i) the length of time in active service in the armed forces
20 during a war, or in a campaign or expedition for which a
21 campaign badge has been authorized; or

22 (ii) the total length of time in active service in the armed
23 forces if he is included under section 3501(a)(3)(A), (B),
24 or (C) of this title.

25 (b) A preference eligible employee whose efficiency or performance
26 rating is “good” or “satisfactory” or better than “good” or “satis-
27 factory” is entitled to be retained in preference to other competing
28 employees. A preference eligible employee whose efficiency or per-
29 formance rating is below “good” or “satisfactory” is entitled to be
30 retained in preference to competing nonpreference employees who have
31 equal or lower efficiency or performance ratings.

32 **§ 3503. Transfer of functions**

33 (a) When a function is transferred from one agency to another,
34 each preference eligible employed in the function shall be transferred
35 to the receiving agency for employment in a position for which he is
36 qualified before the receiving agency may make an appointment from
37 another source to that position.

38 (b) When one agency is replaced by another, each preference eligi-
39 ble employed in the agency to be replaced shall be transferred to the
40 replacing agency for employment in a position for which he is qualified

1 before the replacing agency may make an appointment from another
2 source to that position.

3 **§ 3504. Preference eligibles; retention; physical qualifications;**
4 **waiver**

5 In determining qualifications of a preference eligible for retention
6 in a position in the competitive service, an Executive agency, or the
7 government of the District of Columbia, the Civil Service Commission
8 or other examining agency shall waive—

9 (1) requirements as to age, height, and weight, unless the re-
10 quirement is essential to the performance of the duties of the
11 position; and

12 (2) physical requirements if, in the opinion of the Commission
13 or other examining agency, after considering the recommendation
14 of an accredited physician, the preference eligible is physically
15 able to perform efficiently the duties of the position.

16 **SUBCHAPTER II—RESTORATION AFTER ACTIVE DUTY**
17 **OR TRAINING DUTY**

18 **§ 3551. Restoration; Reserves and National Guardsmen**

19 An employee as defined by section 2105 of this title or an individual
20 employed by the government of the District of Columbia, permanent
21 or temporary indefinite, who is ordered to active duty or to duty under
22 sections 502–505 of title 32 as a Reserve of the armed forces or member
23 of the National Guard is entitled, on release from duty, to be restored
24 to the position held when ordered to duty.

25 **SUBCHAPTER III—REINSTATEMENT OR RESTORATION**
26 **AFTER SUSPENSION OR REMOVAL FOR NATIONAL**
27 **SECURITY**

28 **§ 3571. Reinstatement or restoration; individuals suspended or re-**
29 **moved for national security**

30 An individual suspended or removed under section 7532 of this title
31 may be restored to duty in the discretion of the head of the agency
32 concerned.

33 **SUBCHAPTER IV—REEMPLOYMENT AFTER SERVICE**
34 **WITH AN INTERNATIONAL ORGANIZATION**

35 **§ 3581. Definitions**

36 For the purpose of this subchapter—

37 (1) “agency” means—

38 (A) an Executive agency; and

39 (B) an employing authority in the legislative branch;

40 (2) “employee” means an employee in or under an agency;

(3) "international organization" means a public international organization or international-organization preparatory commission in which the Government of the United States participates;

(4) "transfer" means the change of position by an employee from an agency to an international organization; and

(5) "reemployment" means—

(A) the reemployment of an employee under section 3582

(a) of this title; or

(B) the reemployment of a Congressional employee within 90 days from his separation from an international organization; following a term of employment not extending beyond the period named by the head of the agency at the time of consent to transfer or, in the absence of a named period, not extending beyond the first 3 consecutive years after entering the employ of the international organization.

§ 3582. Rights of transferring employees

(a) An employee serving under an appointment not limited to 1 year or less who transfers to an international organization with the consent of the head of his agency is entitled—

(1) to retain coverage, rights, and benefits under any system established by law for the retirement of employees, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the international organization are currently deposited in the system's fund or depository; and the period during which coverage, rights, and benefits are retained under this paragraph is deemed creditable service under the system;

(2) to retain coverage, rights, and benefits under chapter 87 of this title, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the international organization are currently deposited in the Employees' Life Insurance Fund; and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapter 87 of this title;

(3) to retain coverage, rights, and benefits under subchapter I of chapter 81 of this title, and for this purpose his employment with the international organization is deemed employment by the

United States, but if he or his dependents receive from the international organization a payment, allowance, gratuity, payment under an insurance policy for which the premium is wholly paid by the international organization, or other benefit of any kind on account of the same injury or death, the amount thereof is credited against disability or death compensation, as the case may be, payable under subchapter I of chapter 81 of this title; and

(4) to elect to retain to his credit all accumulated and current accrued annual leave to which entitled at the time of transfer which would otherwise be liquidated by a lump-sum payment. On his request at any time before reemployment, he shall be paid for the annual leave retained. If he receives a lump-sum payment and is reemployed within 6 months after transfer, he shall refund to the agency the amount of the lump-sum payment. This paragraph does not operate to cause a forfeiture of retained annual leave following reemployment or to deprive an employee of a lump-sum payment to which he would otherwise be entitled.

(b) An employee entitled to the benefits of subsection (a) of this section, except a Congressional employee, is entitled to be reemployed within 30 days of his application for reemployment in his former position or a position of like seniority, status, and pay in the agency from which he transferred, if—

(1) he is separated from the international organization within 3 years after entering on duty with the international organization or within such shorter period as may be named by the head of the agency at the time of consent to transfer; and

(2) he applies for reemployment not later than 90 days after the separation.

On reemployment, he is entitled to the rate of basic pay to which he would be entitled had he remained in the civil service. On reemployment, the agency shall restore his sick leave account, by credit or charge, to its status at the time of transfer. The period of separation caused by his employment with the international organization and the period necessary to effect reemployment are deemed creditable service for all appropriate civil service employment purposes.

(c) This section applies only with respect to so much of a period of employment with an international organization as does not exceed 3 years or such shorter period named by the head of the agency at the time of consent to transfer, except that for retirement and insurance purposes this section continues to apply during the period after separation from the international organization in which—

(1) an employee, except a Congressional employee, is properly

exercising or could exercise the reemployment right established by subsection (b) of this section; or

(2) a Congressional employee is effecting or could effect a reemployment.

During that reemployment period, the employee is deemed on leave without pay for retirement and insurance purposes.

(d) During the employee's period of service with the international organization, the agency contribution for retirement and insurance purposes may be made from the appropriations or funds of the agency from which the employee transferred.

§ 3583. Computations

A computation under this subchapter before reemployment is made in the same manner as if the employee had received basic pay, or basic pay plus additional pay in the case of a Congressional employee, at the rate at which it would have been payable had the employee continued in the position in which he was serving at the time of transfer.

§ 3584. Regulations

The President may prescribe regulations necessary to carry out this subchapter and section 3343 of this title and to protect and assure the retirement, insurance, leave, and reemployment rights and such other similar civil service employment rights as he finds appropriate. The regulations may provide for the exclusion of employees from the application of this subchapter and section 3343 of this title on the basis of the nature and type of employment including excepted appointments of a confidential or policy-determining character, or conditions pertaining to the employment including short-term appointments, seasonal or intermittent employment, and part-time employment.

Subpart C—Employee Performance

CHAPTER 41—TRAINING

Sec.

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1 **§ 4101. Definitions**

2 For the purpose of this chapter—

3 (1) “agency”, subject to section 4102 of this title, means—

4 (A) an Executive department;

5 (B) an independent establishment;

6 (C) a Government corporation subject to sections 846–852
7 or 856–859 of title 31;

8 (D) the Library of Congress;

9 (E) the Government Printing Office; and

10 (F) the government of the District of Columbia;

11 (2) “employee”, subject to section 4102 of this title, means—

12 (A) an individual employed in or under an agency; and

13 (B) a commissioned officer of the Coast and Geodetic Sur-
14 vey;

15 (3) “Government” means the Government of the United States
16 and the government of the District of Columbia;

17 (4) “training” means the process of providing for and making
18 available to an employee, and placing or enrolling the employee
19 in, a planned, prepared, and coordinated program, course, cur-
20 riculum, subject, system, or routine of instruction or education, in
21 scientific, professional, technical, mechanical, trade, clerical, fiscal,
22 administrative, or other fields which are or will be directly re-
23 lated to the performance by the employee of official duties for the
24 Government, in order to increase the knowledge, proficiency, abil-
25 ity, skill, and qualifications of the employee in the performance
26 of official duties;

27 (5) “Government facility” means property owned or sub-
28 stantially controlled by the Government and the services of any
29 civilian and military personnel of the Government; and

30 (6) “non-Government facility” means—

31 (A) the government of a State or of a territory or pos-
32 session of the United States including the Commonwealth of
33 Puerto Rico, and an interstate governmental organization, or
34 a unit, subdivision, or instrumentality of any of the foregoing;

35 (B) a foreign government or international organization,
36 or instrumentality of either, which is designated by the Presi-
37 dent as eligible to provide training under this chapter;

38 (C) a medical, scientific, technical, educational, research,
39 or professional institution, foundation, or organization;

40 (D) a business, commercial, or industrial firm, corpora-
41 tion, partnership, proprietorship, or other organization;

(E) individuals other than civilian or military personnel of the Government; and

(F) the services and property of any of the foregoing furnishing the training.

§ 4102. Exceptions; Presidential authority

(a) (1) This chapter does not apply to—

(A) a corporation supervised by the Farm Credit Administration if private interests elect or appoint a member of the board of directors;

(B) the Tennessee Valley Authority; or

(C) an individual (except a commissioned officer of the Coast and Geodetic Survey) who is a member of a uniformed service during a period in which he is entitled to pay under section 204 of title 37.

(2) This chapter (except sections 4110 and 4111) does not apply to—

(A) the Foreign Service, Department of State; or

(B) an individual appointed by the President (except a Postmaster), unless the individual is specifically designated by the President for training under this chapter.

(b) The President, at any time in the public interest, may—

(1) except an agency or part thereof, or an employee or group or class of employees therein, from this chapter or a provision thereof (except this section); and

(2) withdraw an exception made under this subsection.

However, the President may not except the Civil Service Commission from a provision of this chapter which vests in or imposes on the Commission a function, duty, or responsibility concerning any matter except the establishment, operation, and maintenance, in the same capacity as other agencies, of training programs and plans for its employees.

§ 4103. Establishment of training programs

In order to increase economy and efficiency in the operations of the agency and to raise the standards of performance by employees of their official duties to the maximum possible level of proficiency, the head of each agency, in conformity with this chapter, shall establish, operate, and maintain a program or programs, and a plan or plans thereunder, for the training of employees in or under the agency by, in, and through Government facilities and non-Government facilities. Each program, and plan thereunder, shall—

1 (1) conform to the principles, standards, and related require-
2 ments contained in the regulations prescribed under section 4118
3 of this title;

4 (2) provide for adequate administrative control by appropriate
5 authority; and

6 (3) provide for the encouragement of self-training by em-
7 ployees by means of appropriate recognition of resultant increases
8 in proficiency, skill, and capacity.

9 Two or more agencies jointly may operate under a training program.

10 **§ 4104. Government facilities; use of**

11 An agency program for the training of employees by, in, and
12 through Government facilities under this chapter shall—

13 (1) provide for training, insofar as practicable, by, in, and
14 through Government facilities under the jurisdiction or control
15 of the agency; and

16 (2) provide for the making by the agency, to the extent neces-
17 sary and appropriate, of agreements with other agencies in any
18 branch of the Government, on a reimbursable basis when re-
19 quested by the other agencies, for—

20 (A) use of Government facilities under the jurisdiction or
21 control of the other agencies in any branch of the Govern-
22 ment; and

23 (B) extension to employees of the agency of training pro-
24 grams of other agencies.

25 **§ 4105. Non-Government facilities; use of**

26 (a) The head of an agency, without regard to section 5 of title 41,
27 may make agreements or other arrangements for the training of em-
28 ployees of the agency by, in, or through non-Government facilities
29 under this chapter.

30 (b) An agency program for the training of employees by, in, and
31 through non-Government facilities under this chapter shall—

32 (1) provide that information concerning the selection and
33 assignment of employees for training and the applicable training
34 limitations and restrictions be made available to employees of the
35 agency; and

36 (2) give consideration to the needs and requirements of the
37 agency in recruiting and retaining scientific, professional, techni-
38 cal, and administrative employees.

39 (c) In order to protect the Government concerning payment and
40 reimbursement of training expenses, each agency shall prescribe such

regulations as it considers necessary to implement the regulations prescribed under section 4118(a) (8) of this title.

§ 4106. Non-Government facilities; amount of training limited

(a) The training of employees by, in, and through non-Government facilities under this chapter is subject to the following limitations:

(1) The number of man-years of training for an agency in a fiscal year may not exceed 1 percent of the total number of man-years of civilian employment for the agency in the same fiscal year as disclosed by the agency budget estimates for the year.

(2) An employee having less than 1 year of current, continuous civilian service is not eligible for training unless the head of his agency determines, under regulations prescribed under section 4118 of this title, that training for the employee is in the public interest.

(3) The time spent by an employee in training may not exceed 1 year in the first 10-year period and in each subsequent 10-year period of his continuous or non-continuous civilian service in the Government.

The Civil Service Commission may prescribe other limitations, in accordance with the provisions and purposes of this chapter, concerning the time which may be spent by an employee in training.

(b) On recommendation of the head of an agency, the Commission may waive, with respect to that agency or part thereof or one or more employees therein, all or any of the limitations covered by subsection (a) of this section, if the Commission determines that the application of all or any of the limitations thereto is contrary to the public interest. The Commission, in the public interest, may reimpose all or any of the limitations so waived.

§ 4107. Non-Government facilities; restrictions

(a) Appropriations or other funds available to an agency are not available for payment for training an employee—

(1) by, in, or through a non-Government facility which teaches or advocates the overthrow of the Government of the United States by force or violence; or

(2) by or through an individual concerning whom determination has been made by a proper Government administrative or investigatory authority that, on the basis of information or evidence developed in investigations and procedures authorized by law or Executive order, there exists a reasonable doubt of his loyalty to the United States.

(b) This chapter does not authorize training an employee by, in, or through a non-Government facility a substantial part of the activities of which is—

(1) carrying on propaganda, or otherwise attempting, to influence legislation; or

(2) participating or intervening, including publishing or distributing statements, in a political campaign on behalf of a candidate for public office.

(c) This chapter does not authorize the selection and assignment of an employee for training by, in, or through a non-Government facility, or the payment or reimbursement of the costs of training, for—

(1) the purpose of providing an opportunity to an employee to obtain an academic degree in order to qualify for appointment to a particular position for which the academic degree is a basic requirement; or

(2) the sole purpose of providing an opportunity to an employee to obtain one or more academic degrees.

§ 4108. Employee agreements; service after training

(a) An employee selected for training by, in, or through a non-Government facility under this chapter shall agree in writing with the Government before assignment to training that he will—

(1) continue in the service of his agency after the end of the training period for a period at least equal to three times the length of the training period unless he is involuntarily separated from the service of his agency; and

(2) pay to the Government the amount of the additional expenses incurred by the Government in connection with his training if he is voluntarily separated from the service of his agency before the end of the period for which he has agreed to continue in the service of his agency.

(b) The payment agreed to under subsection (a) (2) of this section may not be required of an employee who leaves the service of his agency to enter into the service of another agency in any branch of the Government unless the head of the agency that authorized the training notifies the employee before the effective date of his entrance into the service of the other agency that payment will be required under this section.

(c) If an employee, except an employee relieved of liability under subsection (b) of this section or section 4102(b) of this title, fails to fulfill his agreement to pay to the Government the additional expenses

incurred by the Government in connection with his training, a sum equal to the amount of the additional expenses of training is recoverable by the Government from the employee or his estate by—

(1) setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; and

(2) such other method as is provided by law for the recovery of amounts owing to the Government.

The head of the agency concerned, under the regulations prescribed under section 4118 of this title, may waive in whole or in part a right of recovery under this subsection, if it is shown that the recovery would be against equity and good conscience or against the public interest.

§ 4109. Expenses of training

(a) The head of an agency, under the regulations prescribed under section 4118(a) (8) of this title and from appropriations or other funds available to the agency, may—

(1) pay all or a part of the pay (except overtime, holiday, or night differential pay) of an employee of the agency selected and assigned for training under this chapter, for the period of training; and

(2) pay, or reimburse the employee for, all or a part of the necessary expenses of the training, without regard to section 529 of title 31, including among the expenses the necessary costs of—

(A) travel and per diem instead of subsistence under subchapter I of chapter 57 of this title or, in the case of commissioned officers of the Coast and Geodetic Survey, sections 404 and 405 of title 37, and the Joint Travel Regulations for the Uniformed Services;

(B) transportation of immediate family, household goods and personal effects, packing, crating, temporarily storing, draying, and unpacking under section 5724 of this title, and regulations prescribed under Executive Order 11012, or, in the case of commissioned officers of the Coast and Geodetic Survey, sections 406 and 409 of title 37, and the Joint Travel Regulations for the Uniformed Services, when the estimated costs of transportation and related services are less than the estimated aggregate per diem payments for the period of training;

(C) tuition and matriculation fees;

(D) library and laboratory services;

(E) purchase or rental of books, materials, and supplies;
and

(F) other services or facilities directly related to the training of the employee.

(b) The expenses of training do not include membership fees except to the extent that the fee is a necessary cost directly related to the training itself or that payment of the fee is a condition precedent to undergoing the training.

§ 4110. Expenses of attendance at meetings

Appropriations available to an agency for travel expenses are available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of the functions or activities.

§ 4111. Acceptance of contributions, awards, and other payments

(a) To the extent authorized by regulation of the President, contributions and awards incident to training in non-Government facilities, and payment of travel, subsistence, and other expenses incident to attendance at meetings, may be made to and accepted by an employee, without regard to section 209 of title 18, if the contributions, awards, and payments are made by an organization determined by the Secretary of the Treasury to be an organization described by section 501(c) (3) of title 26 which is exempt from taxation under section 501(a) of title 26.

(b) When a contribution, award, or payment, in cash or in kind, is made to an employee for travel, subsistence, or other expenses under subsection (a) of this section, an appropriate reduction, under regulations of the Director of the Bureau of the Budget, shall be made from payment by the Government to the employee for travel, subsistence, or other expenses incident to training in a non-Government facility or to attendance at a meeting.

§ 4112. Absorption of costs within funds available

(a) The Director of the Bureau of the Budget, to the extent he considers practicable, shall provide by regulation for the absorption of the costs of the training programs and plans under this chapter by the respective agencies from applicable appropriations or funds available for each fiscal year.

(b) Subsection (a) of this section may not be held or considered to require—

(1) the separation of an individual from the service by reduction in force or other personnel action; or

(2) the placement of an individual in a leave-without-pay status.

§ 4113. Agency review of training needs; annual program reports

(a) The head of each agency, at least once every 3 years, shall review the needs and requirements of the agency for the training of employees under its jurisdiction. The Civil Service Commission, on request of an agency, may assist the agency with the review. Information obtained or developed in a review shall be made available to the Commission at its request.

(b) Each agency shall report annually to the Commission, at such times and in such form as the Commission prescribes, on its programs and plans for the training of employees under this chapter. The report shall set forth—

(1) such information concerning the expenditures of the agency in connection with training as the Commission considers appropriate;

(2) the name of each employee of the agency, except a student participating in a cooperative educational program, who, during the period covered by the report, received training by, in, or through a non-Government facility for more than 120 days; the grade, title, and primary duties of the position held by the employee; the name of the non-Government facility from which the training was received; the nature, length, and cost of the training to the Government; and the relationship of the training to official duties;

(3) the name of each employee of the agency who received a contribution or award under section 4111(a) of this title during the period covered by the report;

(4) a statement concerning the value of the training to the agency;

(5) estimates of the extent to which economies and improved operations have resulted from the training; and

(6) such other information as the agency or the Commission considers appropriate.

§ 4114. Non-Government facilities; review of training programs

The Civil Service Commission, at the times and to the extent it considers necessary, shall review the operations, activities, and related transactions of each agency in connection with each agency program, and plan thereunder, for the training of its employees by, in, and through non-Government facilities under this chapter in order to determine whether the operations, activities, and related transactions

1 comply with the programs and plans, the provisions and purposes of
 2 this chapter, and the principles, standards, and related requirements
 3 contained in the regulations prescribed under section 4118 of this title.
 4 Each agency, on request of the Commission, shall cooperate and assist
 5 in the review. If the Commission finds that noncompliance exists in an
 6 agency, the Commission, after consultation with the agency, shall
 7 certify to the head of the agency its recommendations for change of
 8 actions and procedures. If, after a reasonable time for placing its
 9 recommendations in effect, the Commission finds that noncompliance
 10 continues to exist in the agency, the Commission shall report the
 11 finding to the President for such action as he considers appropriate.

12 **§ 4115. Collection of training information**

13 The Civil Service Commission, to the extent it considers appropriate
 14 in the public interest, may collect information concerning training
 15 programs, plans, and the methods inside and outside the Government.
 16 The Commission, on request, may make the information available to
 17 an agency and to Congress.

18 **§ 4116. Training program assistance**

19 The Civil Service Commission, on request of an agency, shall advise
 20 and assist in the establishment, operation, and maintenance of the
 21 training programs and plans of the agency under this chapter, to the
 22 extent of its facilities and personnel available for that purpose.

23 **§ 4117. Administration**

24 The Civil Service Commission has the responsibility and authority
 25 for effective promotion and coordination of the training programs
 26 under this chapter and training operations thereunder. The func-
 27 tions, duties, and responsibilities of the Commission under this chapter
 28 are subject to supervision and control by the President and review by
 29 Congress.

30 **§ 4118. Regulations**

31 (a) The Civil Service Commission, after considering the needs and
 32 requirements of each agency for training its employees and after con-
 33 sulting with the agencies principally concerned, shall prescribe regu-
 34 lations containing the principles, standards, and related requirements
 35 for the programs, and plans thereunder, for the training of employees
 36 under this chapter, including requirements for coordination of and
 37 reasonable uniformity in the agency training programs and plans.
 38 The regulations shall provide for the maintenance of necessary infor-
 39 mation concerning the general conduct of the training activities of
 40 each agency, and such other information as is necessary to enable the
 41 President and Congress to discharge effectively their respective duties

1 and responsibilities for supervision, control, and review of these train-
2 ing programs. The regulations also shall cover—

3 (1) requirements concerning the determination and continuing
4 review by each agency of its training needs and requirements;

5 (2) the scope and conduct of the agency training programs and
6 plans;

7 (3) the selection and assignment of employees of each agency
8 for training;

9 (4) the use in each agency of the services of employees who
10 have undergone training;

11 (5) the evaluation of the results and effects of the training
12 programs and plans;

13 (6) the interchange of training information among the
14 agencies;

15 (7) the submission of reports by the agencies on results and
16 effects of training programs and plans and economies resulting
17 therefrom, including estimates of costs of training by, in, and
18 through non-Government facilities;

19 (8) requirements and limitations necessary with respect to pay-
20 ments and reimbursements in accordance with section 4109 of
21 this title; and

22 (9) other matters considered appropriate or necessary by the
23 Commission to carry out the provisions of this chapter.

24 (b) In addition to the matters set forth by subsection (a) of this
25 section, the regulations, concerning training of employees by, in, or
26 through non-Government facilities, shall—

27 (1) prescribe general policies governing the selection of a non-
28 Government facility to provide training;

29 (2) authorize training of employees only after the head of the
30 agency concerned determines that adequate training for employees
31 by, in, or through a Government facility is not reasonably avail-
32 able, and that consideration has been given to the existing or
33 reasonably foreseeable availability and use of fully trained
34 employees; and

35 (3) prohibit training an employee for the purpose of filling a
36 position by promotion if there is in the agency concerned another
37 employee, of equal ability and suitability, fully qualified to fill
38 the position and available at, or within a reasonable distance from,
39 the place where the duties of the position are to be performed.

40 (c) The Commission, in accordance with this chapter, may revise,

1 supplement, or abolish regulations prescribed under this section, and
2 prescribe additional regulations.

3 (d) This section does not authorize the Commission to prescribe the
4 types and methods of intra-agency training or to regulate the details
5 of intra-agency training programs.

6 **CHAPTER 43—PERFORMANCE RATING**

Sec.

4301. Definitions.

4302. Performance-rating plans; establishment of.

4303. Performance-rating plans; requirements for.

4304. Ratings for performance.

4305. Review of ratings.

4306. Performance-rating plans; inspection of.

4307. Other rating procedures prohibited.

4308. Regulations.

7 **§ 4301. Definitions**

8 For the purpose of this chapter—

9 (1) “agency” means—

10 (A) an Executive agency;

11 (B) the Administrative Office of the United States Courts;

12 (C) the Library of Congress;

13 (D) the Botanic Garden;

14 (E) the Government Printing Office; and

15 (F) the government of the District of Columbia;

16 but does not include—

17 (i) the Tennessee Valley Authority;

18 (ii) the postal field service;

19 (iii) the Foreign Service, Department of State;

20 (iv) the Atomic Energy Commission;

21 (v) the Central Intelligence Agency;

22 (vi) the National Security Agency; or

23 (vii) a Government controlled corporation; and

24 (2) “employee” means an individual employed in or under
25 an agency, but does not include—

26 (A) a physician, dentist, nurse, or other employee in the
27 Department of Medicine and Surgery, Veterans’ Administra-
28 tion, whose pay is fixed under chapter 73 of title 38;

29 (B) an employee outside the continental United States
30 who is paid in accordance with local native prevailing wage
31 rates for the area in which employed;

32 (C) a civilian officer and member of a crew of a vessel
33 operated by the Department of the Army or the Department
34 of the Navy;

(D) an individual employed by the government of the District of Columbia whose pay is not fixed under chapter 51 and subchapter III of chapter 53 of this title; or

(E) a hearing examiner appointed under section 3105 of this title.

§ 4302. Performance-rating plans; establishment of

For the purpose of recognizing the merits of employees and their contributions to efficiency and economy in the Federal service, each agency shall establish and use one or more performance-rating plans for evaluating the work performance of its employees.

§ 4303. Performance-rating plans; requirements for

Each performance-rating plan shall be as simple as possible and shall provide—

(1) that performance requirements be made known to all employees;

(2) that performance of the employee be fairly appraised in relation to the requirements;

(3) for use of appraisals to improve employee performance;

(4) for strengthening supervisor-employee relationships; and

(5) that each employee be kept currently advised of his performance and promptly notified of his performance rating.

§ 4304. Ratings for performance

(a) Each performance-rating plan shall provide for ratings representing at least—

(1) satisfactory performance;

(2) unsatisfactory performance; and

(3) outstanding performance.

(b) An employee may be rated unsatisfactory only after a 90-day advance warning and after a reasonable opportunity to demonstrate satisfactory performance. A performance rating of unsatisfactory is a basis for removal from the position in which the performance was unsatisfactory.

(c) A performance rating of outstanding may be given only when all aspects of performance not only exceed normal requirements but are outstanding and deserve special commendation.

§ 4305. Review of ratings

(a) An agency, on request of an employee of that agency, shall provide one impartial review of the performance rating of the employee.

1 (b) Each agency shall establish one or more boards of review of
 2 equal jurisdiction to consider and pass on the merits of performance
 3 ratings under rating plans established under this chapter. Each
 4 board of review shall have three members, one member designated by
 5 the head of the agency, one member designated by the employees of
 6 the agency in the manner prescribed by the Civil Service Commission,
 7 and one member, who serves as chairman, designated by the Com-
 8 mission. Alternate members are designated in the same manner as
 9 their respective principals.

10 (c) In addition to the review under subsection (a) of this section,
 11 an employee with a current performance rating of less than satisfac-
 12 tory, on written appeal to the chairman of the appropriate board of
 13 review established under subsection (b) of this section, is entitled to
 14 a hearing and decision on the merits of the appealed rating. If an
 15 employee with a current performance rating of satisfactory has not
 16 requested and obtained review of the rating under subsection (a) of
 17 this section, he is entitled, on written appeal to the chairman of the
 18 appropriate board of review established under subsection (b) of this
 19 section, to a hearing and decision on the merits of the appealed rating.

20 (d) At the hearing the appellant, or his designated representative,
 21 and representatives of the agency are entitled to submit pertinent
 22 information orally or in writing, and to hear or examine, and reply to,
 23 information submitted by others. After the hearing, the board of
 24 review shall confirm the appealed rating or make such change as it
 25 considers proper.

26 **§ 4306. Performance-rating plans; inspection of**

27 (a) The Civil Service Commission shall inspect the administration
 28 of performance-rating plans by each agency to determine compliance
 29 with the requirements of this chapter and the regulations prescribed
 30 thereunder.

31 (b) When the Commission determines that a performance-rating
 32 plan does not meet the requirements of this chapter and the regula-
 33 tions prescribed thereunder, the Commission, after notice to the
 34 agency giving the reasons, may revoke its approval of the plan.
 35 After revocation, the performance-rating plan and any current ratings
 36 thereunder are inoperative, and the agency thereafter shall use a
 37 performance-rating plan prescribed by the Commission.

38 **§ 4307. Other rating procedures prohibited**

39 An employee may not be given a performance rating, regardless of
 40 the name given to the rating, and a rating may not be used as a basis
 41 for any action, except under a performance-rating plan approved by

the Civil Service Commission as meeting the requirements of this chapter.

§ 4308. Regulations

The Civil Service Commission may prescribe regulations necessary for the administration of this chapter.

CHAPTER 45—INCENTIVE AWARDS

Sec.

4501. Definitions.

4502. General provisions.

4503. Agency awards.

4504. Presidential awards.

4505. Awards to former employees.

4506. Regulations.

§ 4501. Definitions

For the purpose of this chapter—

(1) “agency” means—

(A) an Executive agency;

(B) the Administrative Office of the United States Courts;

(C) the Library of Congress;

(D) the Office of the Architect of the Capitol;

(E) the Botanic Garden;

(F) the Government Printing Office; and

(G) the government of the District of Columbia;

but does not include—

(i) the Tennessee Valley Authority; or

(ii) the Central Bank for Cooperatives;

(2) “employee” means—

(A) an employee as defined by section 2105 of this title;

and

(B) an individual employed by the government of the

District of Columbia; and

(3) “Government” means the Government of the United States

and the government of the District of Columbia.

§ 4502. General provisions

(a) Except as provided by subsection (b) of this section, a cash award under this chapter may not exceed \$5,000.

(b) When the head of an agency certifies to the Civil Service Commission that the suggestion, invention, superior accomplishment, or other meritorious effort for which the award is proposed is highly exceptional and unusually outstanding, a cash award in excess of \$5,000 but not in excess of \$25,000 may be granted with the approval of the Commission.

(c) A cash award under this chapter is in addition to the regular pay of the recipient. Acceptance of a cash award under this chapter constitutes an agreement that the use by the Government of an idea, method, or device for which the award is made does not form the basis of a further claim of any nature against the Government by the employee, his heirs, or assigns.

(d) A cash award to, and expense for the honorary recognition of, an employee may be paid from the fund or appropriation available to the activity primarily benefiting or the various activities benefiting. The head of the agency concerned determines the amount to be paid by each activity for an agency award under section 4503 of this title. The President determines the amount to be paid by each activity for a Presidential award under section 4504 of this title.

§ 4503. Agency awards

The head of an agency may pay a cash award to, and incur necessary expense for the honorary recognition of, an employee who—

(1) by his suggestion, invention, superior accomplishment, or other personal effort contributes to the efficiency, economy, or other improvement of Government operations; or

(2) performs a special act or service in the public interest in connection with or related to his official employment.

§ 4504. Presidential awards

The President may pay a cash award to, and incur necessary expense for the honorary recognition of, an employee who—

(1) by his suggestion, invention, superior accomplishment, or other personal effort contributes to the efficiency, economy, or other improvement of Government operations; or

(2) performs an exceptionally meritorious special act or service in the public interest in connection with or related to his official employment.

A Presidential award may be in addition to an agency award under section 4503 of this title.

§ 4505. Awards to former employees

An agency may pay or grant an award under this chapter notwithstanding the death or separation from the service of the employee concerned, if the suggestion, invention, superior accomplishment, other personal effort, or special act or service in the public interest for which the award is proposed was made or performed while the employee was in the employ of the Government.

1 **§ 4506. Regulations**

2 The Civil Service Commission may prescribe regulations and in-
3 structions under which the agency awards program set forth by this
4 chapter shall be carried out.

5 **SUBPART D—PAY AND ALLOWANCES**

6 **CHAPTER 51—CLASSIFICATION**

Sec.

- 5101. Purpose.
- 5102. Definitions ; application.
- 5103. Determination of applicability.
- 5104. Basis for grading positions.
- 5105. Standards for classification of positions.
- 5106. Basis for classifying positions.
- 5107. Classification of positions.
- 5108. Classification of positions at GS-16, 17, and 18.
- 5109. Positions classified by statute.
- 5110. Review of classification of positions.
- 5111. Revocation and restoration of authority to classify positions.
- 5112. General authority of the Civil Service Commission.
- 5113. Classification records.
- 5114. Reports ; positions in GS-16, 17, and 18.
- 5115. Regulations.

7 **§ 5101. Purpose**

8 It is the purpose of this chapter to provide a plan for classification
9 of positions whereby--

10 (1) in determining the rate of basic pay which an employee
11 will receive--

12 (A) the principle of equal pay for substantially equal
13 work will be followed; and

14 (B) variations in rates of basic pay paid to different
15 employees will be in proportion to substantial differences in
16 the difficulty, responsibility, and qualification requirements
17 of the work performed and to the contributions of employees
18 to efficiency and economy in the service; and

19 (2) individual positions will, in accordance with their duties,
20 responsibilities, and qualification requirements, be so grouped and
21 identified by classes and grades, as defined by section 5102 of this
22 title, and the various classes will be so described in published
23 standards, as provided by section 5105 of this title, that the result-
24 ing position-classification system can be used in all phases of per-
25 sonnel administration.

26 **§ 5102. Definitions ; application**

27 (a) For the purpose of this chapter--

28 (1) "agency" means--

29 (A) an Executive agency;

1 (B) the Administrative Office of the United States
2 Courts;

3 (C) the Library of Congress;

4 (D) the Botanic Garden;

5 (E) the Government Printing Office;

6 (F) the Office of the Architect of the Capitol; and

7 (G) the government of the District of Columbia;

8 but does not include—

9 (i) a Government controlled corporation;

10 (ii) the Tennessee Valley Authority;

11 (iii) The Alaska Railroad;

12 (iv) the Virgin Islands Corporation;

13 (v) the Atomic Energy Commission;

14 (vi) the Central Intelligence Agency;

15 (vii) the Panama Canal Company; or

16 (viii) the National Security Agency, Department of
17 Defense;

18 (2) “employee” means an individual employed in or under an
19 agency;

20 (3) “position” means the work, consisting of the duties and
21 responsibilities, assignable to an employee;

22 (4) “class” or “class of positions” includes all positions which
23 are sufficiently similar, as to—

24 (A) kind or subject-matter of work;

25 (B) level of difficulty and responsibility; and

26 (C) the qualification requirements of the work;

27 to warrant similar treatment in personnel and pay administra-
28 tion; and

29 (5) “grade” includes all classes of positions which, although
30 different with respect to kind or subject-matter of work, are suf-
31 ficiently equivalent as to—

32 (A) level of difficulty and responsibility; and

33 (B) level of qualification requirements of the work;

34 to warrant their inclusion within one range of rates of basic
35 pay in the General Schedule.

36 (b) Except as provided by subsections (c) and (d) of this section,
37 this chapter applies to all civilian positions and employees in or
38 under an agency.

39 (c) This chapter does not apply to—

40 (1) employees in the postal field service whose pay is fixed
41 under chapter 45 of title 39;

(2) employees in the Foreign Service, Department of State, whose pay is fixed under chapter 14 of title 22; and positions in or under the Department of State which are—

(A) connected with the representation of the United States to international organizations; or

(B) specifically exempted by statute from this chapter or other classification or pay statute;

(3) physicians, dentists, nurses, and other employees in the Department of Medicine and Surgery, Veterans' Administration, whose pay is fixed under chapter 73 of title 38;

(4) teachers, school officials, and employees of the Board of Education of the District of Columbia, whose pay is fixed under chapter 15 of title 31, District of Columbia Code; and the chief judge and the associate judges of the District of Columbia Court of General Sessions, the District of Columbia Court of Appeals, and the Juvenile Court of the District of Columbia;

(5) members of the Metropolitan Police, the Fire Department of the District of Columbia, the United States Park Police, and the White House Police;

(6) lighthouse keepers and civilian employees on lightships and vessels of the Coast Guard, whose pay is fixed under section 432(f) and (g) of title 14;

(7) employees in recognized trades or crafts, or other skilled mechanical crafts, or in unskilled, semiskilled, or skilled manual-labor occupations, and other employees including foremen and supervisors in positions having trade, craft, or laboring experience and knowledge as the paramount requirement, and employees in the Bureau of Engraving and Printing whose duties are to perform or to direct manual or machine operations requiring special skill or experience, or to perform or direct the counting, examining, sorting, or other verification of the product of manual or machine operations;

(8) officers and members of crews of vessels;

(9) employees of the Government Printing Office whose pay is fixed under section 40 of title 44;

(10) civilian professors, lecturers, and instructors at the Naval War College and the Naval Academy whose pay is fixed under sections 6952 and 7478 of title 10; senior professors, professors, associate and assistant professors, and instructors at the Naval Postgraduate School whose pay is fixed under section 7044 of title 10; and the Academic Dean of the Postgraduate School of the

1 Naval Academy whose pay is fixed under section 7043 of title 10;

2 (11) aliens or noncitizens of the United States who occupy
3 positions outside the United States;

4 (12) (A) employees of an agency who are stationed in the
5 Canal Zone; and

6 (B) on approval by the Civil Service Commission of the request
7 of an agency which has employees stationed in both the Republic
8 of Panama and the Canal Zone, employees of the agency who are
9 stationed in the Republic of Panama;

10 (13) employees who serve without pay or at nominal rates of
11 pay;

12 (14) employees whose pay is not wholly from appropriated
13 funds of the United States, except that with respect to the Vet-
14 erans' Canteen Service, Veterans' Administration, this paragraph
15 applies only to employees necessary for the transaction of the busi-
16 ness of the Service at canteens, warehouses, and storage depots
17 whose employment is authorized by section 4202 of title 38;

18 (15) employees whose pay is fixed under a cooperative agree-
19 ment between the United States and—

20 (A) a State or territory or possession of the United States,
21 or political subdivision thereof; or

22 (B) an individual or organization outside the service of
23 the Government of the United States;

24 (16) student nurses, medical or dental interns, residents-in-
25 training, student dietitians, student physical therapists, student
26 occupational therapists, and other student employees, assigned or
27 attached to a hospital, clinic, or laboratory primarily for train-
28 ing purposes, whose pay is fixed under subchapter V of chapter
29 53 of this title or section 4114 of title 38;

30 (17) inmates, patients, or beneficiaries receiving care or treat-
31 ment or living in Government agencies or institutions;

32 (18) experts or consultants, when employed temporarily or
33 intermittently in accordance with section 3109 of this title;

34 (19) emergency or seasonal employees whose employment is of
35 uncertain or purely temporary duration, or who are employed for
36 brief periods at intervals;

37 (20) employees employed on a fee, contract, or piece work
38 basis;

39 (21) employees who may lawfully perform their duties con-
40 currently with their private profession, business, or other employ-

ment, and whose duties require only a portion of their time, when it is impracticable to ascertain or anticipate the proportion of time devoted to the service of the Government of the United States;

(22) "teachers" and "teaching positions" as defined by section 901 of title 20;

(23) examiners-in-chief and designated examiners-in-chief in the Patent Office, Department of Commerce;

(24) temporary positions in the Bureau of the Census established under section 23 of title 13, and enumerator positions in the Bureau of the Census; or

(25) positions for which rates of basic pay are individually fixed, or expressly authorized to be fixed, by other statute, at or in excess of the maximum rate for GS-18.

(d) This chapter does not apply to an employee of the Office of the Architect of the Capitol whose pay is fixed by other statute. Subsection (c) of this section, except paragraph (7), does not apply to the Office of the Architect of the Capitol.

§ 5103. Determination of applicability

The Civil Service Commission shall determine finally the applicability of section 5102 of this title to specific positions and employees, except for positions and employees in the Office of the Architect of the Capitol.

§ 5104. Basis for grading positions

The General Schedule, the symbol for which is "GS", is the basic pay schedule for positions to which this chapter applies. The General Schedule is divided into 18 grades of difficulty and responsibility of work, as follows:

(1) Grade GS-1 includes those classes of positions the duties of which are to perform, under immediate supervision, with little or no latitude for the exercise of independent judgment—

(A) the simplest routine work in office, business, or fiscal operations; or

(B) elementary work of a subordinate technical character in a professional, scientific, or technical field.

(2) Grade GS-2 includes those classes of positions the duties of which are—

(A) to perform, under immediate supervision, with limited latitude for the exercise of independent judgment, routine work in office, business, or fiscal operations, or com-

1 parable subordinate technical work of limited scope in a pro-
 2 fessional, scientific, or technical field, requiring some train-
 3 ing or experience; or

4 (B) to perform other work of equal importance, difficulty,
 5 and responsibility, and requiring comparable qualifications.

6 (3) Grade GS-3 includes those classes of positions the duties
 7 of which are—

8 (A) to perform, under immediate or general supervision,
 9 somewhat difficult and responsible work in office, business, or
 10 fiscal operations, or comparable subordinate technical work
 11 of limited scope in a professional, scientific, or technical field,
 12 requiring in either case—

13 (i) some training or experience;

14 (ii) working knowledge of a special subject matter; or

15 (iii) to some extent the exercise of independent judg-
 16 ment in accordance with well-established policies, pro-
 17 cedures, and techniques; or

18 (B) to perform other work of equal importance, difficulty,
 19 and responsibility, and requiring comparable qualifications.

20 (4) Grade GS-4 includes those classes of positions the duties of
 21 which are—

22 (A) to perform, under immediate or general supervision,
 23 moderately difficult and responsible work in office, business, or
 24 fiscal operations, or comparable subordinate technical work
 25 in a professional, scientific, or technical field, requiring in
 26 either case—

27 (i) a moderate amount of training and minor super-
 28 visory or other experience;

29 (ii) good working knowledge of a special subject
 30 matter or a limited field of office, laboratory, engineering,
 31 scientific, or other procedure and practice; and

32 (iii) the exercise of independent judgment in accord-
 33 ance with well-established policies, procedures, and tech-
 34 niques; or

35 (B) to perform other work of equal importance, difficulty,
 36 and responsibility, and requiring comparable qualifications.

37 (5) Grade GS-5 includes those classes of positions the duties of
 38 which are—

39 (A) to perform, under general supervision, difficult and
 40 responsible work in office, business, or fiscal administration, or

comparable subordinate technical work in a professional, scientific, or technical field, requiring in either case—

(i) considerable training and supervisory or other experience;

(ii) broad working knowledge of a special subject matter or of office, laboratory, engineering, scientific, or other procedure and practice; and

(iii) the exercise of independent judgment in a limited field;

(B) to perform, under immediate supervision, and with little opportunity for the exercise of independent judgment, simple and elementary work requiring professional, scientific, or technical training; or

(C) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(6) Grade GS-6 includes those classes of positions the duties of which are—

(A) to perform, under general supervision, difficult and responsible work in office, business, or fiscal administration, or comparable subordinate technical work in a professional, scientific, or technical field, requiring in either case—

(i) considerable training and supervisory or other experience;

(ii) broad working knowledge of a special and complex subject matter, procedure, or practice, or of the principles of the profession, art, or science involved; and

(iii) to a considerable extent the exercise of independent judgment; or

(B) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(7) Grade GS-7 includes those classes of positions the duties of which are—

(A) to perform, under general supervision, work of considerable difficulty and responsibility along special technical or supervisory lines in office, business, or fiscal administration, or comparable subordinate technical work in a professional, scientific, or technical field, requiring in either case—

(i) considerable specialized or supervisory training and experience;

(ii) comprehensive working knowledge of a special

1 and complex subject matter, procedure, or practice, or
 2 of the principles of the profession, art, or science in-
 3 volved; and

4 (iii) to a considerable extent the exercise of independ-
 5 ent judgment;

6 (B) under immediate or general supervision, to perform
 7 somewhat difficult work requiring—

8 (i) professional, scientific, or technical training; and

9 (ii) to a limited extent, the exercise of independent
 10 technical judgment; or

11 (C) to perform other work of equal importance, difficulty,
 12 and responsibility, and requiring comparable qualifications.

13 (8) Grade GS-8 includes those classes of positions the duties
 14 of which are—

15 (A) to perform, under general supervision, very difficult
 16 and responsible work along special technical or supervisory
 17 lines in office, business, or fiscal administration, requiring—

18 (i) considerable specialized or supervisory training
 19 and experience;

20 (ii) comprehensive and thorough working knowledge
 21 of a specialized and complex subject matter, procedure,
 22 or practice, or of the principles of the profession, art, or
 23 science involved; and

24 (iii) to a considerable extent the exercise of independ-
 25 ent judgment; or

26 (B) to perform other work of equal importance, difficulty,
 27 and responsibility, and requiring comparable qualifications.

28 (9) Grade GS-9 includes those classes of positions the duties
 29 of which are—

30 (A) to perform, under general supervision, very difficult
 31 and responsible work along special technical, supervisory,
 32 or administrative lines in office, business, or fiscal admin-
 33 istration, requiring—

34 (i) somewhat extended specialized training and con-
 35 siderable specialized, supervisory, or administrative ex-
 36 perience which has demonstrated capacity for sound
 37 independent work;

38 (ii) thorough and fundamental knowledge of a special
 39 and complex subject matter, or of the profession, art,
 40 or science involved; and

(iii) considerable latitude for the exercise of independent judgment;

(B) with considerable latitude for the exercise of independent judgment, to perform moderately difficult and responsible work, requiring—

(i) professional, scientific, or technical training equivalent to that represented by graduation from a college or university of recognized standing; and

(ii) considerable additional professional, scientific, or technical training or experience which has demonstrated capacity for sound independent work; or

(C) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(10) Grade GS-10 includes those classes of positions the duties of which are—

(A) to perform, under general supervision, highly difficult and responsible work along special technical, supervisory, or administrative lines in office, business, or fiscal administration, requiring—

(i) somewhat extended specialized, supervisory, or administrative training and experience which has demonstrated capacity for sound independent work;

(ii) thorough and fundamental knowledge of a specialized and complex subject matter, or of the profession, art, or science involved; and

(iii) considerable latitude for the exercise of independent judgment; or

(B) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(11) Grade GS-11 includes those classes of positions the duties of which are—

(A) to perform, under general administrative supervision and with wide latitude for the exercise of independent judgment, work of marked difficulty and responsibility along special technical, supervisory, or administrative lines in office, business, or fiscal administration, requiring—

(i) extended specialized, supervisory, or administrative training and experience which has demonstrated important attainments and marked capacity for sound independent action or decision; and

1 (ii) intimate grasp of a specialized and complex sub-
 2 ject matter, or of the profession, art, or science involved,
 3 or of administrative work of marked difficulty;

4 (B) with wide latitude for the exercise of independent
 5 judgment, to perform responsible work of considerable diffi-
 6 culty requiring somewhat extended professional, scientific, or
 7 technical training and experience which has demonstrated
 8 important attainments and marked capacity for independent
 9 work; or

10 (C) to perform other work of equal importance, difficulty,
 11 and responsibility, and requiring comparable qualifications.

12 (12) Grade GS-12 includes those classes of positions the duties
 13 of which are—

14 (A) to perform, under general administrative supervi-
 15 sion, with wide latitude for the exercise of independent judg-
 16 ment, work of a very high order of difficulty and respon-
 17 sibility along special technical, supervisory, or administrative
 18 lines in office, business, or fiscal administration, requiring—

19 (i) extended specialized, supervisory, or administra-
 20 tive training and experience which has demonstrated
 21 leadership and attainments of a high order in specialized
 22 or administrative work; and

23 (ii) intimate grasp of a specialized and complex sub-
 24 ject matter or of the profession, art, or science involved;

25 (B) under general administrative supervision, and with
 26 wide latitude for the exercise of independent judgment, to
 27 perform professional, scientific, or technical work of marked
 28 difficulty and responsibility requiring extended professional,
 29 scientific, or technical training and experience which has
 30 demonstrated leadership and attainments of a high order in
 31 professional, scientific, or technical research, practice, or ad-
 32 ministration; or

33 (C) to perform other work of equal importance, difficulty,
 34 and responsibility, and requiring comparable qualifications.

35 (13) Grade GS-13 includes those classes of positions the duties
 36 of which are—

37 (A) to perform, under administrative direction, with wide
 38 latitude for the exercise of independent judgment, work of
 39 unusual difficulty and responsibility along special technical,
 40 supervisory, or administrative lines, requiring extended spe-
 41 cialized, supervisory, or administrative training and experi-

ence which has demonstrated leadership and marked attainments;

(B) to serve as assistant head of a major organization involving work of comparable level within a bureau;

(C) to perform, under administrative direction, with wide latitude for the exercise of independent judgment, work of unusual difficulty and responsibility requiring extended professional, scientific, or technical training and experience which has demonstrated leadership and marked attainments in professional, scientific, or technical research, practice, or administration; or

(D) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(14) Grade GS-14 includes those classes of positions the duties of which are—

(A) to perform, under general administrative direction, with wide latitude for the exercise of independent judgment, work of exceptional difficulty and responsibility along special technical, supervisory, or administrative lines which has demonstrated leadership and unusual attainments;

(B) to serve as head of a major organization within a bureau involving work of comparable level;

(C) to plan and direct or to plan and execute major professional, scientific, technical, administrative, fiscal, or other specialized programs, requiring extended training and experience which has demonstrated leadership and unusual attainments in professional, scientific, or technical research, practice, or administration, or in administrative, fiscal, or other specialized activities; or

(D) to perform consulting or other professional, scientific, technical, administrative, fiscal, or other specialized work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(15) Grade GS-15 includes those classes of positions the duties of which are—

(A) to perform, under general administrative direction, with very wide latitude for the exercise of independent judgment, work of outstanding difficulty and responsibility along special technical, supervisory, or administrative lines which has demonstrated leadership and exceptional attainments;

1 (B) to serve as head of a major organization within a
2 bureau involving work of comparable level;

3 (C) to plan and direct or to plan and execute specialized
4 programs of marked difficulty, responsibility, and national
5 significance, along professional, scientific, technical, admin-
6 istrative, fiscal, or other lines, requiring extended training
7 and experience which has demonstrated leadership and un-
8 usual attainments in professional, scientific, or technical re-
9 search, practice, or administration, or in administrative,
10 fiscal, or other specialized activities; or

11 (D) to perform consulting or other professional, scientific,
12 technical, administrative, fiscal, or other specialized work of
13 equal importance, difficulty, and responsibility, and requiring
14 comparable qualifications.

15 (16) Grade GS-16 includes those classes of positions the
16 duties of which are—

17 (A) to perform, under general administrative direction,
18 with unusual latitude for the exercise of independent judg-
19 ment, work of outstanding difficulty and responsibility along
20 special technical, supervisory, or administrative lines which
21 has demonstrated leadership and exceptional attainments;

22 (B) to serve as the head of a major organization involving
23 work of comparable level;

24 (C) to plan and direct or to plan and execute professional,
25 scientific, technical, administrative, fiscal, or other specialized
26 programs of unusual difficulty, responsibility, and national
27 significance, requiring extended training and experience
28 which has demonstrated leadership and exceptional attain-
29 ments in professional, scientific, or technical research, prac-
30 tice, or administration, or in administrative, fiscal, or other
31 specialized activities; or

32 (D) to perform consulting or other professional, scientific,
33 technical, administrative, fiscal, or other specialized work of
34 equal importance, difficulty, and responsibility, and requir-
35 ing comparable qualifications.

36 (17) Grade GS-17 includes those classes of positions the duties
37 of which are—

38 (A) to serve as the head of a bureau where the position,
39 considering the kind and extent of the authorities and re-
40 sponsibilities vested in it, and the scope, complexity, and de-
41 gree of difficulty of the activities carried on, is of a high

order among the whole group of positions of heads of bureaus;

(B) to plan and direct or to plan and execute professional, scientific, technical, administrative, fiscal, or other specialized programs of exceptional difficulty, responsibility, and national significance, requiring extended training and experience which has demonstrated exceptional leadership and attainments in professional, scientific, or technical research, practice, or administration, or in administrative, fiscal, or other specialized activities; or

(C) to perform consulting or other professional, scientific, technical, administrative, fiscal, or other specialized work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(18) Grade GS-18 includes those classes of positions the duties of which are—

(A) to serve as the head of a bureau where the position, considering the kind and extent of the authorities and responsibilities vested in it, and the scope, complexity, and degree of difficulty of the activities carried on, is exceptional and outstanding among the whole group of positions of heads of bureaus;

(B) to plan and direct or to plan and execute frontier or unprecedented professional, scientific, technical, administrative, fiscal, or other specialized programs of outstanding difficulty, responsibility, and national significance, requiring extended training and experience which has demonstrated outstanding leadership and attainments in professional, scientific, or technical research, practice, or administration, or in administrative, fiscal, or other specialized activities; or

(C) to perform consulting or other professional, scientific, technical, administrative, fiscal, or other specialized work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

§ 5105. Standards for classification of positions

(a) The Civil Service Commission, after consulting the agencies, shall prepare standards for placing positions in their proper classes and grades. The Commission may make such inquiries or investigations of the duties, responsibilities, and qualification requirements of positions as it considers necessary for this purpose. The agencies, on request of the Commission, shall furnish information for and cooper-

1 ate in the preparation of the standards. In the standards, which shall
 2 be published in such form as the Commission may determine, the Com-
 3 mission shall—

4 (1) define the various classes of positions in terms of duties,
 5 responsibilities, and qualification requirements;

6 (2) establish the official class titles; and

7 (3) set forth the grades in which the classes have been placed
 8 by the Commission.

9 (b) The Commission, after consulting the agencies to the extent
 10 considered necessary, shall revise, supplement, or abolish existing
 11 standards, or prepare new standards, so that, as nearly as may be
 12 practicable, positions existing at any given time will be covered by
 13 current published standards.

14 (c) The official class titles established under subsection (a) (2) of
 15 this section shall be used for personnel, budget, and fiscal purposes.
 16 However, this requirement does not prevent the use of organizational
 17 or other titles for internal administration, public convenience, law
 18 enforcement, or similar purposes.

19 **§ 5106. Basis for classifying positions**

20 (a) Each position shall be placed in its appropriate class. The
 21 basis for determining the appropriate class is the duties and responsi-
 22 bilities of the position and the qualifications required by the duties and
 23 responsibilities.

24 (b) Each class shall be placed in its appropriate grade. The basis
 25 for determining the appropriate grade is the level of difficulty, respon-
 26 sibility, and qualification requirements of the work of the class.

27 (c) Appropriated funds may not be used to pay an employee who
 28 places a supervisory position in a class and grade solely on the basis of
 29 the size of the organization unit or the number of subordinates super-
 30 vised. These factors may be given effect only to the extent war-
 31 ranted by the work load of the organization unit and then only in
 32 combination with other factors, such as the kind, difficulty, and com-
 33 plexity of work supervised, the degree and scope of responsibility
 34 delegated to the supervisor, and the kind, degree, and character of
 35 the supervision exercised.

36 **§ 5107. Classification of positions**

37 Except as otherwise provided by this chapter, each agency shall
 38 place each position under its jurisdiction in its appropriate class and
 39 grade in conformance with standards published by the Civil Service
 40 Commission or, if no published standards apply directly, consistently

1 with published standards. When facts warrant, an agency may
 2 change a position which it has placed in a class or grade under this
 3 section from that class or grade to another class or grade. Subject
 4 to section 5337 of this title, these actions of an agency are the basis
 5 for pay and personnel transactions until changed by certificate of the
 6 Commission.

7 **§ 5108. Classification of positions at GS-16, 17, and 18**

8 (a) A majority of the Civil Service Commissioners may establish,
 9 and from time to time revise, the maximum numbers of positions
 10 (not to exceed an aggregate of 2,400, in addition to any professional
 11 engineering positions primarily concerned with research and develop-
 12 ment and professional positions in the physical and natural sciences
 13 and medicine which may be placed in these grades, and in addition
 14 to 240 hearing examiner positions under section 3105 of this title
 15 which may be placed in GS-16 and 9 such positions which may be
 16 placed in GS-17) which may be placed in GS-16, 17, and 18 at any
 17 one time. However, under this authority—

18 (1) not to exceed 25 percent of the aggregate number may be
 19 placed in GS-17 and not to exceed 12 percent of the aggregate
 20 number may be placed in GS-18;

21 (2) 50 of the positions are available only for allocation, with
 22 the approval of the President, for an agency or function created
 23 after October 4, 1961;

24 (3) 14 of the positions are available only for allocation to the
 25 United States Arms Control and Disarmament Agency;

26 (4) 6 of the positions are available only for allocation to the
 27 Immigration and Naturalization Service, Department of Justice;
 28 and

29 (5) 4 of the positions are available only for allocation to the
 30 Federal Home Loan Bank Board.

31 A position may be placed in GS-16, 17, or 18 only by action of, or after
 32 prior approval by, a majority of the Civil Service Commissioners.

33 (b) The number of positions of senior specialists in the Legislative
 34 Reference Service, Library of Congress, placed in GS-16, 17, and 18
 35 under the proviso in section 166(b)(1) of title 2 are in addition to
 36 the number of positions authorized by subsection (a) of this section.

37 (c) In addition to the number of positions authorized by subsection
 38 (a) of this section—

39 (1) the Comptroller General of the United States, subject to
 40 the procedures prescribed by this section, may place a total of 39

1 positions in the General Accounting Office in GS-16, 17, and 18;

2 (2) the Director of the Federal Bureau of Investigation, with-
3 out regard to any other provision of this section, may place a total
4 of 75 positions in the Federal Bureau of Investigation in GS-16,
5 17, and 18;

6 (3) the Director of the Administrative Office of the United
7 States Courts may place a total of 4 positions in GS-17;

8 (4) the Commissioner of Immigration and Naturalization
9 may place a total of 11 positions in GS-17;

10 (5) the Secretary of Defense, subject to the standards and
11 procedures prescribed by this chapter, may place a total of 402
12 positions (in addition to any professional engineering positions
13 primarily concerned with research and development and profes-
14 sional engineering positions in the physical and natural sciences
15 which may be placed in these grades) in the Department of De-
16 fense in GS-16, 17, and 18;

17 (6) the Administrator of the National Aeronautics and Space
18 Administration, subject to the standards and procedures pre-
19 scribed by this chapter, may place a total of 5 positions in the
20 National Aeronautics and Space Administration in GS-16, 17,
21 and 18;

22 (7) the Attorney General, without regard to any other pro-
23 vision of this section, may place a total of—

24 (A) 10 positions of Warden in the Bureau of Prisons in
25 GS-16; and

26 (B) 8 positions of Member of the Board of Parole in
27 GS-17;

28 (8) the Attorney General, without regard to this chapter (ex-
29 cept section 5114), may place 1 position in GS-16; and

30 (9) the Railroad Retirement Board may place 4 positions in
31 GS-16, 4 in GS-17, and 1 in GS-18, for the purpose of its admin-
32 istration of chapter 9 or 11 of title 45, or both.

33 (d) When a general appropriation statute authorizes an agency
34 to place additional positions in GS-16, 17, and 18, the total number
35 of positions authorized to be placed in these grades by this section
36 (except subsection (c)(8) and (9)) is reduced by the number of
37 positions authorized by the appropriation statute, unless otherwise
38 specifically provided. The reduction is made in the following order—

39 first, from any number specifically authorized for the agency
40 by this section (except subsection (c)(8) and (9)); and

41 second, from the maximum number of positions authorized

by subsection (a) of this section irrespective of the agency to which the positions are allocated.

§ 5109. Positions classified by statute

(a) The position held by an employee of the Department of Agriculture while he, under section 450d of title 7, is designated and vested with a delegated regulatory function or part thereof shall be classified in accordance with this chapter, but not lower than GS-14.

(b) The position held by the employee appointed under section 1104(a) (2) of this title to have such functions and duties with respect to retirement, life insurance, and health benefits programs as the Civil Service Commission may prescribe is classified at GS-18, and is in addition to the number of positions authorized by section 5108(a) of this title.

(c) Each of the following positions on the police force authorized for the National Zoological Park by section 193n of title 40 is classified as follows:

(1) Private—GS-5.

(2) Sergeant—GS-6.

(3) Lieutenant—GS-7.

(4) Captain—GS-8.

§ 5110. Review of classification of positions

(a) The Civil Service Commission, from time to time, shall review such number of positions in each agency as will enable the Commission to determine whether the agency is placing positions in classes and grades in conformance with or consistently with published standards.

(b) When the Commission finds under subsection (a) of this section that a position is not placed in its proper class and grade in conformance with published standards or that a position for which there is no published standard is not placed in the class and grade consistently with published standards, it shall, after consultation with appropriate officials of the agency concerned, place the position in its appropriate class and grade and shall certify this action to the agency. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.

§ 5111. Revocation and restoration of authority to classify positions

(a) When the Civil Service Commission finds that an agency is not placing positions in classes and grades in conformance with or consistently with published standards, it may revoke or suspend the

1 authority granted to the agency by section 5107 of this title and require
 2 that prior approval of the Commission be secured before an action
 3 placing a position in a class and grade becomes effective for payroll and
 4 other personnel purposes. The Commission may limit the revocation
 5 or suspension to—

- 6 (1) the departmental or field service, or any part thereof;
- 7 (2) a geographic area;
- 8 (3) an organization unit or group of organization units;
- 9 (4) certain types of classification actions;
- 10 (5) classes in particular occupational groups or grades; or
- 11 (6) classes for which standards have not been published.

12 (b) After revocation or suspension, the Commission may restore
 13 the authority to the extent that it is satisfied that later actions placing
 14 positions in classes and grades will be in conformance with or con-
 15 sistent with published standards.

16 **§ 5112. General authority of the Civil Service Commission**

17 (a) Notwithstanding section 5107 of this title, the Civil Service
 18 Commission may—

- 19 (1) ascertain currently the facts as to the duties, responsibili-
 20 ties, and qualification requirements of a position;
- 21 (2) place in an appropriate class and grade a newly created
 22 position or a position coming initially under this chapter;
- 23 (3) decide whether a position is in its appropriate class and
 24 grade; and
- 25 (4) change a position from one class or grade to another class
 26 or grade when the facts warrant.

27 The Commission shall certify to the agency concerned its action under
 28 paragraph (2) or (4) of this subsection. The agency shall act in
 29 accordance with the certificate, and the certificate is binding on all
 30 administrative, certifying, payroll, disbursing, and accounting officials.

31 (b) An employee affected or an agency may request at any time that
 32 the Commission exercise the authority granted to it by subsection (a)
 33 of this section and the Commission shall act on the request.

34 **§ 5113. Classification records**

35 The Civil Service Commission may—

- 36 (1) prescribe the form in which each agency shall record the
 37 duties and responsibilities of positions and the places where these
 38 records shall be maintained;
- 39 (2) examine these or other pertinent records of the agency; and
- 40 (3) interview employees of the agency who have knowledge of
 41 the duties and responsibilities of positions and information as to

the reasons for placing a position in a class or grade.

§ 5114. Reports; positions in GS-16, 17, and 18

(a) The Civil Service Commission, with respect to positions under section 5108(a) of this title, the head of the agency concerned, with respect to positions under sections 5108 (b), (c) and 5109(b) of this title, and the appropriate authority, with respect to positions under jurisdiction of the authority which are allocated to or placed in GS-16, 17, and 18, including positions so allocated or placed on a temporary or present incumbency basis, under reorganization plan or statute, except sections 5108 and 5109 of this title, shall submit, so long as the reorganization plan or statute remains in effect, to Congress, not later than February 1 of each year, a report setting forth—

(1) the total number of positions allocated to or placed in all these grades during the immediately preceding calendar year, the total number of positions allocated to or placed in each of these grades during the immediately preceding calendar year, and the total number of these positions in existence during the immediately preceding calendar year and the grades to or in which the total number of positions in existence are allocated or placed;

(2) the name, rate of pay, and description of the qualifications of the incumbent of each of these positions, together with the position title and a statement of the duties and responsibilities performed by the incumbent;

(3) the position or positions in or outside the Government of the United States held by each of these incumbents, and his rate or rates of pay, during the 5-year period immediately preceding the date of his appointment to the position; and

(4) such other information as the Commission, the head of the agency, or other appropriate authority submitting the report may consider appropriate or as may be required by Congress or a committee thereof.

This subsection does not require the resubmission of information required by paragraphs (2) and (3) of this subsection which has been reported under this subsection and which remains unchanged.

(b) When the Commission, the head of the agency, or other appropriate authority considers full public disclosure of any or all of the items specified by subsection (a) of this section to be detrimental to the national security, the Commission, the head of the agency, or authority may—

(1) omit from the annual report those items with respect to

1 which full public disclosure is found to be detrimental to the
2 national security;

3 (2) inform Congress of the omission; and

4 (3) at the request of the Congressional committee to which the
5 report is referred, present all information concerning those items.

6 § 5115. Regulations

7 The Civil Service Commission may prescribe regulations necessary
8 for the administration of this chapter, except sections 5109 and 5114.

9 CHAPTER 53—PAY RATES AND SYSTEMS

10 SUBCHAPTER I—PAY COMPARABILITY SYSTEM

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15 SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

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SUBCHAPTER I—PAY COMPARABILITY SYSTEM

§ 5301. Policy.

It is the policy of Congress that Federal pay fixing be based on the principles that—

(1) there be equal pay for substantially equal work, and pay distinctions be maintained in keeping with work and performance distinctions; and

(2) Federal pay rates be comparable with private enterprise pay rates for the same levels of work.

Pay levels for the several Federal statutory pay systems shall be inter-related, and pay levels shall be set and adjusted in accordance with these principles.

§ 5302. Annual reports on pay comparability

In order to carry out the policy stated by section 5301 of this title, the President shall—

(1) direct such agency as he considers appropriate, to prepare and submit to him annually a report which compares the rates of pay fixed by statute for employees with the rates of pay paid for the same levels of work in private enterprise as determined on the basis of appropriate annual surveys conducted by the Bureau of Labor Statistics; and

(2) after seeking the views of such employee organizations as he considers appropriate and in such manner as he may provide, report annually to Congress—

(A) this comparison of Federal and private enterprise pay rates; and

(B) such recommendations for revision of statutory pay schedules, pay structures, and pay policy, as he considers advisable.

§ 5303. Higher minimum rates; Presidential authority

(a) When the President finds that the pay rates in private enterprise for one or more occupations in one or more areas or locations are so substantially above the pay rates of statutory pay schedules as to handicap significantly the Government's recruitment or retention of well-qualified individuals in positions paid under—

(1) section 5332 of this title;

(2) the provisions of part III of title 39 relating to employees in the postal field service;

(3) the pay scales for physicians, dentists, and nurses in the Department of Medicine and Surgery, Veterans' Administration, under chapter 73 of title 38; or

1 (4) sections 867 and 870 of title 22;

2 he may establish for the areas or locations higher minimum rates
3 of basic pay for one or more grades or levels, occupational groups,
4 series, classes, or subdivisions thereof, and may make corresponding
5 increases in all step rates of the pay range for each such grade or
6 level. However, a minimum rate so established may not exceed the
7 seventh pay rate prescribed by statute for the grade or level. The
8 President may authorize the exercise of the authority conferred on
9 him by this section by the Civil Service Commission or, in the case
10 of individuals not subject to the provisions of this title governing
11 appointment in the competitive service, by such other agency as he
12 may designate.

13 (b) Within the limitations of subsection (a) of this section, rates
14 of basic pay established under that subsection may be revised from
15 time to time by the President or by such agency as he may designate.
16 The actions and revisions have the force and effect of statute.

17 (c) An increase in rate of basic pay established under this section
18 is not an equivalent increase in pay within the meaning of section
19 5335 of this title and section 3552 of title 39.

20 (d) The rate of basic pay, established under this section, and re-
21 ceived by an individual immediately before the effective date of a
22 statutory increase in the pay schedules of the pay systems specified in
23 subsection (a) of this section shall be initially adjusted on the effective
24 date of the new pay schedules under conversion regulations prescribed
25 by the President or by such agency as he may designate.

26 **§ 5304. Presidential policies and regulations**

27 The functions, duties, and regulations of the agencies and the Civil
28 Service Commission with respect to this subchapter, subchapter III of
29 this chapter, chapter 51 of this title, the provisions of part III of title
30 39 relating to employees in the postal field service, chapter 14 of title
31 22, and the provisions of chapter 73 of title 38 relating to employees in
32 the Department of Medicine and Surgery, Veterans' Administration,
33 are subject to such policies and regulations as the President may pre-
34 scribe. Among other things, the policies and regulations of the Presi-
35 dent may provide for—

36 (1) preparing and reporting to him the annual comparison of
37 Federal pay rates with private enterprise rates;

38 (2) obtaining and reporting to him the views of employee
39 organizations on the annual comparison, and on other pay matters;

40 (3) reviewing and reporting to him on the adequacy of the

Federal statutory pay structures for the Federal programs to which they apply;

(4) reviewing the relationship of Federal statutory pay rates and private enterprise pay rates in specific occupation and local areas; and

(5) providing step-increases in recognition of high quality performance and providing for properly relating supervisory pay rates paid under one system to those of subordinates paid under another system.

SUBCHAPTER II—EXECUTIVE SCHEDULE PAY RATES

§ 5311. The Executive Schedule

The Executive Schedule, which is divided into five pay levels, is the basic pay schedule for positions to which this subchapter applies.

§ 5312. Positions at level I

Level I of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is \$35,000:

- (1) Secretary of State.
- (2) Secretary of the Treasury.
- (3) Secretary of Defense.
- (4) Attorney General.
- (5) Postmaster General.
- (6) Secretary of the Interior.
- (7) Secretary of Agriculture.
- (8) Secretary of Commerce.
- (9) Secretary of Labor.
- (10) Secretary of Health, Education, and Welfare.

§ 5313. Positions at level II

Level II of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is \$30,000:

- (1) Deputy Secretary of Defense.
- (2) Under Secretary of State.
- (3) Administrator, Agency for International Development.
- (4) Administrator of the National Aeronautics and Space Administration.
- (5) Administrator of Veterans' Affairs.
- (6) Administrator of the Housing and Home Finance Agency.
- (7) Administrator of the Federal Aviation Agency.
- (8) Chairman, Atomic Energy Commission.
- (9) Chairman, Council of Economic Advisers.
- (10) Chairman, Board of Governors of the Federal Reserve System.

- 1 (11) Director of the Bureau of the Budget.
- 2 (12) Director of the Office of Science and Technology.
- 3 (13) Director of the United States Arms Control and Dis-
- 4 armament Agency.
- 5 (14) Director of the United States Information Agency.
- 6 (15) Director of Central Intelligence.
- 7 (16) Secretary of the Air Force.
- 8 (17) Secretary of the Army.
- 9 (18) Secretary of the Navy.

10 § 5314. Positions at level III

11 Level III of the Executive Schedule applies to the following posi-
 12 tions, for which the annual rate of basic pay is \$28,500:

- 13 (1) Deputy Attorney General.
- 14 (2) Solicitor General of the United States.
- 15 (3) Deputy Postmaster General.
- 16 (4) Under Secretary of Agriculture.
- 17 (5) Under Secretary of Commerce.
- 18 (6) Under Secretary of Commerce for Transportation.
- 19 (7) Under Secretary of Health, Education, and Welfare.
- 20 (8) Under Secretary of the Interior.
- 21 (9) Under Secretary of Labor.
- 22 (10) Under Secretary of State for Political Affairs or Under
- 23 Secretary of State for Economic Affairs.
- 24 (11) Under Secretary of the Treasury.
- 25 (12) Under Secretary of the Treasury for Monetary Affairs.
- 26 (13) Administrator of General Services.
- 27 (14) Administrator of the Small Business Administration.
- 28 (15) Deputy Administrator of Veterans' Affairs.
- 29 (16) Deputy Administrator, Agency for International Devel-
- 30 opment.
- 31 (17) Chairman, Civil Aeronautics Board.
- 32 (18) Chairman of the United States Civil Service Commission.
- 33 (19) Chairman, Federal Communications Commission.
- 34 (20) Chairman, Board of Directors, Federal Deposit Insur-
- 35 ance Corporation.
- 36 (21) Chairman of the Federal Home Loan Bank Board.
- 37 (22) Chairman, Federal Power Commission.
- 38 (23) Chairman, Federal Trade Commission.
- 39 (24) Chairman, Interstate Commerce Commission.
- 40 (25) Chairman, National Labor Relations Board.

- (26) Chairman, Securities and Exchange Commission.
- (27) Chairman, Board of Directors of the Tennessee Valley Authority.
- (28) Chairman, National Mediation Board.
- (29) Chairman, Railroad Retirement Board.
- (30) Chairman, Federal Maritime Commission.
- (31) Comptroller of the Currency.
- (32) Commissioner of Internal Revenue.
- (33) Director of Defense Research and Engineering, Department of Defense.
- (34) Deputy Administrator of the National Aeronautics and Space Administration.
- (35) Deputy Director of the Bureau of the Budget.
- (36) Deputy Director of Central Intelligence.
- (37) Director of the Office of Emergency Planning.
- (38) Director of the Peace Corps.
- (39) Chief Medical Director in the Department of Medicine and Surgery, Veterans' Administration.
- (40) Director of the National Science Foundation.
- (41) Deputy Administrator of the Housing and Home Finance Agency.
- (42) President of the Export-Import Bank of Washington.
- (43) Members, Atomic Energy Commission.
- (44) Members, Board of Governors of the Federal Reserve System.
- (45) Director of the Federal Bureau of Investigation, Department of Justice.

§ 5315. Positions at level IV

Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is \$27,000 :

- (1) Administrator, Bureau of Security and Consular Affairs, Department of State.
- (2) Deputy Administrator of the Federal Aviation Agency.
- (3) Deputy Administrator of General Services.
- (4) Associate Administrator of the National Aeronautics and Space Administration.
- (5) Assistant Administrators, Agency for International Development (6).
- (6) Regional Assistant Administrators, Agency for International Development (4).

- 1 (7) Under Secretary of the Air Force.
- 2 (8) Under Secretary of the Army.
- 3 (9) Under Secretary of the Navy.
- 4 (10) Deputy Under Secretaries of State (2).
- 5 (11) Assistant Secretaries of Agriculture (3).
- 6 (12) Assistant Secretaries of Commerce (4).
- 7 (13) Assistant Secretaries of Defense (7).
- 8 (14) Assistant Secretaries of the Air Force (3).
- 9 (15) Assistant Secretaries of the Army (3).
- 10 (16) Assistant Secretaries of the Navy (3).
- 11 (17) Assistant Secretaries of Health, Education, and Welfare
- 12 (2).
- 13 (18) Assistant Secretaries of the Interior (4).
- 14 (19) Assistant Attorneys General (9).
- 15 (20) Assistant Secretaries of Labor (4).
- 16 (21) Assistant Postmasters General (5).
- 17 (22) Assistant Secretaries of State (11).
- 18 (23) Assistant Secretaries of the Treasury (4).
- 19 (24) Chairman of the United States Tariff Commission.
- 20 (25) Commissioner, Community Facilities Administration.
- 21 (26) Commissioner, Federal Housing Administration.
- 22 (27) Commissioner, Public Housing Administration.
- 23 (28) Commissioner, Urban Renewal Administration.
- 24 (29) Director of Civil Defense, Department of the Army.
- 25 (30) Director of the Federal Mediation and Conciliation
- 26 Service.
- 27 (31) Deputy Chief Medical Director in the Department of
- 28 Medicine and Surgery, Veterans' Administration.
- 29 (32) Deputy Director of the Office of Emergency Planning.
- 30 (33) Deputy Director of the Office of Science and Technology.
- 31 (34) Deputy Director of the Peace Corps.
- 32 (35) Deputy Director of the United States Arms Control and
- 33 Disarmament Agency.
- 34 (36) Deputy Director of the United States Information
- 35 Agency.
- 36 (37) Assistant Directors of the Bureau of the Budget (3).
- 37 (38) General Counsel of the Department of Agriculture.
- 38 (39) General Counsel of the Department of Commerce.
- 39 (40) General Counsel of the Department of Defense.
- 40 (41) General Counsel of the Department of Health, Educa-
- 41 tion, and Welfare.

- (42) Solicitor of the Department of the Interior.
- (43) Solicitor of the Department of Labor.
- (44) General Counsel of the National Labor Relations Board.
- (45) General Counsel of the Post Office Department.
- (46) Counselor of the Department of State.
- (47) Legal Adviser of the Department of State.
- (48) General Counsel of the Department of the Treasury.
- (49) First Vice President of the Export-Import Bank of Washington.
- (50) General Manager of the Atomic Energy Commission.
- (51) Governor of the Farm Credit Administration.
- (52) Inspector General, Foreign Assistance.
- (53) Deputy Inspector General, Foreign Assistance.
- (54) Members, Civil Aeronautics Board.
- (55) Members, Council of Economic Advisers.
- (56) Members, Board of Directors of the Export-Import Bank of Washington.
- (57) Members, Federal Communications Commission.
- (58) Member, Board of Directors of the Federal Deposit Insurance Corporation.
- (59) Members, Federal Home Loan Bank Board.
- (60) Members, Federal Power Commission.
- (61) Members, Federal Trade Commission.
- (62) Members, Interstate Commerce Commission.
- (63) Members, National Labor Relations Board.
- (64) Members, Securities and Exchange Commission.
- (65) Members, Board of Directors of the Tennessee Valley Authority.
- (66) Members, United States Civil Service Commission.
- (67) Members, Federal Maritime Commission.
- (68) Members, National Mediation Board.
- (69) Members, Railroad Retirement Board.
- (70) Director of Selective Service.
- (71) Associate Director of the Federal Bureau of Investigation, Department of Justice.

§ 5316. Positions at level V

Level V of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is \$26,000:

- (1) Administrator, Agricultural Marketing Service, Department of Agriculture.

- 1 (2) Administrator, Agricultural Research Service, Department
2 of Agriculture.
- 3 (3) Administrator, Agricultural Stabilization and Conserva-
4 tion Service, Department of Agriculture.
- 5 (4) Administrator, Farmers Home Administration.
- 6 (5) Administrator, Foreign Agricultural Service, Department
7 of Agriculture.
- 8 (6) Administrator, Rural Electrification Administration, De-
9 partment of Agriculture.
- 10 (7) Administrator, Soil Conservation Service, Department of
11 Agriculture.
- 12 (8) Administrator, Bonneville Power Administration, Depart-
13 ment of the Interior.
- 14 (9) Administrator of the National Capital Transportation
15 Agency.
- 16 (10) Administrator of the Saint Lawrence Seaway Develop-
17 ment Corporation.
- 18 (11) Deputy Administrators of the Small Business Adminis-
19 tration (4).
- 20 (12) Associate Administrator for Administration, Federal
21 Aviation Agency.
- 22 (13) Associate Administrator for Development, Federal Avia-
23 tion Agency.
- 24 (14) Associate Administrator for Programs, Federal Aviation
25 Agency.
- 26 (15) Associate Administrator for Advanced Research and
27 Technology, National Aeronautics and Space Administration.
- 28 (16) Associate Administrator for Space Science and Applica-
29 tions, National Aeronautics and Space Administration.
- 30 (17) Associate Administrator for Manned Space Flight, Na-
31 tional Aeronautics and Space Administration.
- 32 (18) Associate Deputy Administrator, National Aeronautics
33 and Space Administration.
- 34 (19) Deputy Associate Administrator, National Aeronautics
35 and Space Administration.
- 36 (20) Associate Deputy Administrator of Veterans' Affairs.
- 37 (21) Archivist of the United States.
- 38 (22) Area Redevelopment Administrator, Department of Com-
39 merce.
- 40 (23) Assistant Secretary of Agriculture for Administration.

1 (24) Assistant Secretary of Health, Education, and Welfare
2 for Administration.

3 (25) Assistant Secretary of the Interior for Administration.

4 (26) Assistant Attorney General for Administration.

5 (27) Assistant Secretary of Labor for Administration.

6 (28) Assistant Secretary of the Treasury for Administration.

7 (29) Assistant General Manager, Atomic Energy Commission.

8 (30) Assistant and Science Adviser to the Secretary of the
9 Interior.

10 (31) Chairman, Foreign Claims Settlement Commission of
11 the United States.

12 (32) Chairman of the Military Liaison Committee to the
13 Atomic Energy Commission, Department of Defense.

14 (33) Chairman of the Renegotiation Board.

15 (34) Chairman of the Subversive Activities Control Board.

16 (35) Chief Counsel for the Internal Revenue Service, Depart-
17 ment of the Treasury.

18 (36) Chief Forester of the Forest Service, Department of Agri-
19 culture.

20 (37) Chief Postal Inspector, Post Office Department.

21 (38) Chief, Weather Bureau, Department of Commerce.

22 (39) Commissioner of Customs, Department of the Treasury.

23 (40) Commissioner, Federal Supply Service, General Services
24 Administration.

25 (41) Commissioner of Education, Department of Health, Edu-
26 cation, and Welfare.

27 (42) Commissioner of Fish and Wildlife, Department of the
28 Interior.

29 (43) Commissioner of Food and Drugs, Department of Health,
30 Education, and Welfare.

31 (44) Commissioner of Immigration and Naturalization, De-
32 partment of Justice.

33 (45) Commissioner of Indian Affairs, Department of the
34 Interior.

35 (46) Chief Commissioner, Indian Claims Commission.

36 (47) Associate Commissioners, Indian Claims Commission (2).

37 (48) Commissioner of Patents, Department of Commerce.

38 (49) Commissioner, Public Buildings Service, General Services
39 Administration.

40 (50) Commissioner of Reclamation, Department of the
41 Interior.

- 1 (51) Commissioner of Social Security, Department of Health,
2 Education, and Welfare.
- 3 (52) Commissioner of Vocational Rehabilitation, Department
4 of Health, Education, and Welfare.
- 5 (53) Commissioner of Welfare, Department of Health, Edu-
6 cation, and Welfare.
- 7 (54) Director, Advanced Research Projects Agency, Depart-
8 ment of Defense.
- 9 (55) Director of Agricultural Economics, Department of Agri-
10 culture.
- 11 (56) Director, Bureau of the Census, Department of Commerce.
- 12 (57) Director, Bureau of Mines, Department of the Interior.
- 13 (58) Director, Bureau of Prisons, Department of Justice.
- 14 (59) Director, Geological Survey, Department of the Interior.
- 15 (60) Director, Office of Research and Engineering, Post Office
16 Department.
- 17 (61) Director, National Bureau of Standards, Department of
18 Commerce.
- 19 (62) Director of Regulation, Atomic Energy Commission.
- 20 (63) Director of Science and Education, Department of Agri-
21 culture.
- 22 (64) Deputy Under Secretary for Monetary Affairs, Depart-
23 ment of the Treasury.
- 24 (65) Deputy Commissioner of Internal Revenue, Department
25 of the Treasury.
- 26 (66) Deputy Director, National Science Foundation.
- 27 (67) Deputy Director, Policy and Plans, United States Infor-
28 mation Agency.
- 29 (68) Deputy General Counsel, Department of Defense.
- 30 (69) Deputy General Manager, Atomic Energy Commission.
- 31 (70) Associate Director of the Federal Mediation and Concilia-
32 tion Service.
- 33 (71) Associate Director for Volunteers, Peace Corps.
- 34 (72) Associate Director for Program Development and Opera-
35 tions, Peace Corps.
- 36 (73) Assistants to the Director of the Federal Bureau of Inves-
37 tigation, Department of Justice (2).
- 38 (74) Assistant Directors, Office of Emergency Planning (3).
- 39 (75) Assistant Directors, United States Arms Control and Dis-
40 armament Agency (4).

(76) Federal Highway Administrator, Department of Commerce.

(77) Fiscal Assistant Secretary of the Treasury.

(78) General Counsel of the Agency for International Development.

(79) General Counsel of the Department of the Air Force.

(80) General Counsel of the Department of the Army.

(81) General Counsel of the Atomic Energy Commission.

(82) General Counsel of the Federal Aviation Agency.

(83) General Counsel of the Housing and Home Finance Agency.

(84) General Counsel of the Department of the Navy.

(85) General Counsel of the United States Arms Control and Disarmament Agency.

(86) General Counsel of the National Aeronautics and Space Administration.

(87) Governor of the Canal Zone.

(88) Manpower Administrator, Department of Labor.

(89) Maritime Administrator, Department of Commerce.

(90) Members, Foreign Claims Settlement Commission of the United States.

(91) Members, Renegotiation Board.

(92) Members, Subversive Activities Control Board.

(93) Members, United States Tariff Commission.

(94) President of the Federal National Mortgage Association.

(95) Special Assistant to the Secretary (Health and Medical Affairs), Department of Health, Education, and Welfare.

(96) Deputy Directors of Defense Research and Engineering, Department of Defense (4).

(97) Assistant Administrator of General Services.

(98) Director, United States Travel Service, Department of Commerce.

(99) Executive Director of the United States Civil Service Commission.

§ 5317. Presidential authority to place positions at levels IV and V

In addition to the positions listed in sections 5315 and 5316 of this title, the President, from time to time, may place in levels IV and V of the Executive Schedule positions held by not to exceed 30 individuals when he considers that action necessary to reflect changes in organization, management responsibilities, or workload in an Executive

1 agency. Such an action with respect to a position to which appoint-
2 ment is made by the President by and with the advice and consent of
3 the Senate is effective only at the time of a new appointment to the
4 position. Notice of each action taken under this section shall be pub-
5 lished in the Federal Register, except when the President determines
6 that the publication would be contrary to the interest of national secu-
7 rity. The President may not take action under this section with
8 respect to a position the pay for which is fixed at a specific rate by this
9 subchapter or by statute enacted after August 14, 1964.

10 **SUBCHAPTER III—GENERAL SCHEDULE PAY RATES**

11 **§ 5331. Definitions; application**

12 (a) For the purpose of this subchapter, “agency”, “employee”,
13 “position”, “class”, and “grade” have the meanings given them by
14 section 5102 of this title.

15 (b) This subchapter applies to employees and positions to which
16 chapter 51 of this title applies.

17 **§ 5332. The General Schedule**

18 (a) The General Schedule, the symbol for which is “GS”, is the
19 basic pay schedule for positions to which this subchapter applies.
20 Each employee to whom this subchapter applies is entitled to basic
21 pay in accordance with the General Schedule.

GENERAL SCHEDULE

Grade	Annual rates and steps									
	1	2	3	4	5	6	7	8	9	10
GS-1-----	\$3,385	\$3,500	\$3,615	\$3,730	\$3,845	\$3,960	\$4,075	\$4,190	\$4,305	\$4,420
GS-2-----	3,680	3,805	3,930	4,055	4,180	4,305	4,430	4,555	4,680	4,805
GS-3-----	4,005	4,140	4,275	4,410	4,545	4,680	4,815	4,950	5,085	5,220
GS-4-----	4,480	4,630	4,780	4,930	5,080	5,230	5,380	5,530	5,680	5,830
GS-5-----	5,000	5,165	5,330	5,495	5,660	5,825	5,990	6,155	6,320	6,485
GS-6-----	5,505	5,690	5,875	6,060	6,245	6,430	6,615	6,800	6,985	7,170
GS-7-----	6,050	6,250	6,450	6,650	6,850	7,050	7,250	7,450	7,650	7,850
GS-8-----	6,630	6,850	7,070	7,290	7,510	7,730	7,950	8,170	8,390	8,610
GS-9-----	7,220	7,465	7,710	7,955	8,200	8,445	8,690	8,935	9,180	9,425
GS-10-----	7,900	8,170	8,440	8,710	8,980	9,250	9,520	9,790	10,060	10,330
GS-11-----	8,650	8,945	9,240	9,535	9,830	10,125	10,420	10,715	11,010	11,305
GS-12-----	10,250	10,605	10,960	11,315	11,670	12,025	12,380	12,735	13,090	13,445
GS-13-----	12,075	12,495	12,915	13,335	13,755	14,175	14,595	15,015	15,435	15,855
GS-14-----	14,170	14,660	15,150	15,640	16,130	16,620	17,110	17,600	18,090	18,580
GS-15-----	16,460	17,030	17,600	18,170	18,740	19,310	19,880	20,450	21,020	21,590
GS-16-----	18,935	19,590	20,245	20,900	21,555	22,210	22,865	23,520	24,175	-----
GS-17-----	21,445	22,195	22,945	23,695	24,445	-----	-----	-----	-----	-----
GS-18-----	24,500	-----	-----	-----	-----	-----	-----	-----	-----	-----

22 (b) When payment is made on the basis of an hourly, daily, weekly,
23 or biweekly rate, the rate is computed from the appropriate annual
24 rate of basic pay named by subsection (a) of this section in accordance
25 with the rules prescribed by section 5504(b) of this title.

26 **§ 5333. Minimum rate for new appointments; higher rates for**
27 **supervisors of wage-board employees**

28 (a) New appointments shall be made at the minimum rate of the
29 appropriate grade. However, under regulations prescribed by the
30 Civil Service Commission which provide for such considerations as

1 the existing pay or unusually high or unique qualifications of the
 2 candidate, or a special need of the Government for his services, the
 3 head of an agency may appoint, with the approval of the Commission
 4 in each specific case, an individual to a position in GS-13 or above at
 5 such a rate above the minimum rate of the appropriate grade as the
 6 Commission may authorize for this purpose. The approval of the
 7 Commission in each specific case is not required with respect to an
 8 appointment made by the Librarian of Congress.

9 (b) Under regulations prescribed by the Civil Service Commission,
 10 an employee in a position to which this subchapter applies, who
 11 regularly has responsibility for supervision (including supervision
 12 over the technical aspects of the work concerned) over employees
 13 whose pay is fixed and adjusted from time to time by wage boards
 14 or similar administrative authority as nearly as is consistent with
 15 the public interest in accordance with prevailing rates, may be paid at
 16 one of the rates for his grade which is above the highest rate of basic
 17 pay being paid to any such prevailing-rate employee regularly super-
 18 vised, or at the maximum rate for his grade, as provided by the
 19 regulations.

20 **§ 5334. Rate on change of position or type of appointment; regu-**
 21 **lations**

22 (a) The rate of basic pay to which an employee is entitled is
 23 governed by regulations prescribed by the Civil Service Commission
 24 in conformity with this subchapter and chapter 51 of this title when—

25 (1) he is transferred from a position in the legislative, judicial,
 26 or executive branch to which this subchapter does not apply;

27 (2) he is transferred from a position in the legislative, judicial,
 28 or executive branch to which this subchapter applies to another
 29 such position;

30 (3) he is demoted to a position in a lower grade;

31 (4) he is reinstated, reappointed, or reemployed in a position
 32 to which this subchapter applies following service in any position
 33 in the legislative, judicial, or executive branch;

34 (5) his type of appointment is changed;

35 (6) his employment status is otherwise changed; or

36 (7) his position is changed from one grade to another grade.

37 (b) An employee who is promoted or transferred to a position
 38 in a higher grade is entitled to basic pay at the lowest rate of the
 39 higher grade which exceeds his existing rate of basic pay by not
 40 less than two step-increases of the grade from which he is promoted
 41 or transferred. If, in the case of an employee so promoted or trans-

ferred who is receiving basic pay at a rate in excess of the maximum rate of his grade, there is no rate in the higher grade which is at least two step-increases above his existing rate of basic pay, he is entitled to—

(1) the maximum rate of the higher grade; or

(2) his existing rate of basic pay, if that rate is the higher.

If an employee so promoted or transferred is receiving basic pay at a rate saved to him under section 5337 of this title on reduction in grade, he is entitled to—

(A) basic pay at a rate two steps above the rate which he would be receiving if section 5337 of this title were not applicable to him; or

(B) his existing rate of basic pay, if that rate is the higher.

(c) An employee in the legislative branch who is paid by the Secretary of the Senate or the Clerk of the House of Representatives, and who has completed two or more years of service as such an employee, and a Member of the Senate or House of Representatives who has completed two or more years of service as such a Member, may, on appointment to a position to which this subchapter applies, have his initial rate of pay fixed—

(1) at the minimum rate of the appropriate grade; or

(2) at a step of the appropriate grade that does not exceed the highest previous rate of pay received by him during that service in the legislative branch.

(d) The Commission may prescribe regulations governing the retention of the rate of basic pay of an employee who together with his position is brought under this subchapter and chapter 51 of this title. If an employee so entitled to a retained rate under these regulations is later demoted to a position under this subchapter and chapter 51 of this title, his rate of basic pay is determined under section 5337 of this title. However, for the purpose of section 5337 of this title, service in the position which was brought under this subchapter and chapter 51 of this title is deemed service under this subchapter and chapter 51 of this title.

(e) The rate of pay established for a teaching position as defined by section 901 of title 20 held by an individual who becomes subject to subsection (a) of this section is deemed increased by 20 percent to determine the yearly rate of pay of the position.

§ 5335. Periodic step-increases

(a) An employee paid on an annual basis, and occupying a perma-

1 nent position within the scope of the General Schedule, who has not
 2 reached the maximum rate of pay for the grade in which his position
 3 is placed, shall be advanced in pay successively to the next higher
 4 rate within the grade at the beginning of the next pay period follow-
 5 ing the completion of—

6 (1) each 52 calendar weeks of service in pay rates 1, 2, and 3;

7 (2) each 104 calendar weeks of service in pay rates 4, 5, and

8 6; or

9 (3) each 156 calendar weeks of service in pay rates 7, 8, and 9;

10 subject to the following conditions:

11 (A) the employee did not receive an equivalent increase in
 12 pay from any cause during that period; and

13 (B) the work of the employee, except a hearing examiner
 14 appointed under section 3105 of this title, is of an acceptable
 15 level of competence as determined by the head of the agency.

16 (b) Under regulations prescribed by the Civil Service Commis-
 17 sion, the benefit of successive step-increases shall be preserved for
 18 employees whose continuous service is interrupted in the public interest
 19 by service with the armed forces or by service in essential non-
 20 Government civilian employment during a period of war or national
 21 emergency.

22 (c) An increase in pay granted by statute is not an equivalent in-
 23 crease in pay within the meaning of subsection (a) of this section.

24 (d) This section does not apply to the pay of an individual ap-
 25 pointed by the President, by and with the advice and consent of the
 26 Senate.

27 § 5336. Additional step-increases

28 (a) Within the limit of available appropriations and under regu-
 29 lations prescribed by the Civil Service Commission, the head of each
 30 agency may grant additional step-increases in recognition of high
 31 quality performance above that ordinarily found in the type of posi-
 32 tion concerned. However, an employee is eligible under this section
 33 for only one additional step-increase within any 52-week period.

34 (b) A step-increase under this section is in addition to those under
 35 section 5335 of this title and is not an equivalent increase in pay
 36 within the meaning of section 5335(a) of this title.

37 (c) This section does not apply to the pay of an individual ap-
 38 pointed by the President, by and with the advice and consent of the
 39 Senate.

1 **§ 5337. Pay saving**

2 (a) Subject to the limitation in subsection (b) of this section, an
3 employee—

4 (1) who is reduced in grade from a grade of the General
5 Schedule;

6 (2) who holds a career or career-conditional appointment in
7 the competitive service, or an appointment of equivalent tenure in
8 the excepted service or in the government of the District of
9 Columbia;

10 (3) whose reduction in grade is not (A) caused by a demotion
11 for personal cause, (B) at his request, (C) effected in a reduc-
12 tion in force due to lack of funds or curtailment of work, or
13 (D) with respect to a temporary promotion occurring after Sep-
14 tember 20, 1961, a condition of the temporary promotion to a
15 higher grade;

16 (4) who, for 2 continuous years immediately before the reduc-
17 tion in grade, served (A) in the same agency and (B) in a grade
18 or grades higher than the grade to which demoted; and

19 (5) whose work performance during the 2-year period is satis-
20 factory or better;

21 is entitled to basic pay at the rate to which he was entitled immediately
22 before the reduction in grade (including each increase in rate of basic
23 pay provided by statute) for a period of 2 years from the effective date
24 of the reduction in grade, so long as he—

25 (A) continues in the same agency without a break in service of
26 one workday or more;

27 (B) is not entitled to a higher rate of basic pay by operation
28 of this subchapter or chapter 51 of this title; and

29 (C) is not demoted or reassigned (i) for personal cause, (ii)
30 at his request, or (iii) in a reduction in force due to lack of funds
31 or curtailment of work.

32 (b) The rate of basic pay to which an employee is entitled under
33 subsection (a) of this section with respect to each reduction in grade
34 to which this section applies may not exceed the sum of—

35 (1) the minimum rate of the grade to which he is reduced
36 under each reduction in grade to which this section applies (in-
37 cluding each increase in rate of basic pay provided by statute);
38 and

39 (2) the difference between his rate immediately before the first
40 reduction in grade to which this section applies (including each
41 increase in rate of basic pay provided by statute) and the mini-

1 mum rate of that grade which is three grades lower than the
2 grade from which he was reduced under the first of the reductions
3 in grade (including each increase in the rate of basic pay provided
4 by statute).

5 **§ 5338. Regulations**

6 The Civil Service Commission may prescribe regulations necessary
7 for the administration of this subchapter.

8 SUBCHAPTER IV—PREVAILING RATE SYSTEMS

9 **§ 5341. Trades and crafts**

10 (a) The pay of employees excepted from chapter 51 of this title by
11 section 5102 (c) (7) of this title shall be fixed and adjusted from time
12 to time as nearly as is consistent with the public interest in accordance
13 with prevailing rates.

14 (b) When the Civil Service Commission concurs in a finding by the
15 employing agency that in a given area the number of employees to
16 whom this section applies is so few as to make prevailing rate deter-
17 minations impracticable, these employees are subject to the provisions
18 of subchapter III of this chapter and chapter 51 of this title which
19 are applicable to positions of equivalent difficulty or responsibility.

20 **§ 5342. Crews of vessels**

21 (a) Except as provided by subsection (b) of this section, the pay of
22 officers and members of crews of vessels excepted from chapter 51 of
23 this title by section 5102(c) (8) of this title shall be fixed and adjusted
24 from time to time as nearly as is consistent with the public interest
25 in accordance with prevailing rates and practices in the maritime
26 industry.

27 (b) Vessel employees of the Panama Canal Company may be paid
28 in accordance with the wage practices of the maritime industry.

29 **§ 5343. Effective date of pay increase**

30 Each increase in rates of basic pay granted, pursuant to a wage
31 survey, to employees whose pay is fixed and adjusted under section
32 5341 of this title is effective, as follows:

33 (1) If the wage survey is made by an agency, either alone or
34 with another agency, with respect to its own employees, the in-
35 crease is effective for its employees not later than the first day of
36 the first pay period which begins after the 44th day, excluding
37 Saturdays and Sundays, following the date on which the wage
38 survey was ordered to be made.

39 (2) If the wage survey is made by an agency, either alone or
40 with another agency, and is used by an agency which did not
41 participate in making the survey, the increase is effective for the

1 employees of the agency which did not participate in the survey
 2 not later than the first day of the first pay period which begins
 3 after the 19th day, excluding Saturdays and Sundays, following
 4 the date on which the agency which did not participate receives
 5 the data collected in the survey necessary for the granting of the
 6 increase.

7 **§ 5344. Retroactive pay**

8 (a) Retroactive pay is payable by reason of an increase in rates of
 9 basic pay referred to in section 5343 of this title only when—

10 (1) the individual is in the service of the United States, in-
 11 cluding service in the armed forces, or the government of the
 12 District of Columbia on the date of the issuance of the order
 13 granting the increase; or

14 (2) the individual retired or died during the period beginning
 15 on the effective date of the increase and ending on the date of issu-
 16 ance of the order granting the increase, and only for services
 17 performed during that period.

18 (b) For the purpose of this section, service in the armed forces
 19 includes the period provided by statute for the mandatory restoration
 20 of the individual to a position in or under the Government of the
 21 United States or the government of the District of Columbia after he
 22 is relieved from training and service in the armed forces or dis-
 23 charged from hospitalization following that training and service.

24 **SUBCHAPTER V—STUDENT-EMPLOYEES**

25 **§ 5351. Definitions**

26 For the purpose of this subchapter—

27 (1) “agency” means an Executive agency, a military depart-
 28 ment, and the government of the District of Columbia; and

29 (2) “student-employee” means—

30 (A) a student nurse, medical or dental intern, resident-in-
 31 training, student dietitian, student physical therapist, and
 32 student occupational therapist, assigned or attached to a hos-
 33 pital, clinic, or medical or dental laboratory operated by an
 34 agency; and

35 (B) any other student-employee, assigned or attached pri-
 36 marily for training purposes to a hospital, clinic, or medical
 37 or dental laboratory operated by an agency, who is designated
 38 by the head of the agency with the approval of the Civil
 39 Service Commission.

§ 5352. Stipends

The head of each agency shall fix the stipends of his student-employees. The stipend may not exceed the applicable maximum prescribed by the Civil Service Commission.

§ 5353. Quarters subsistence, and laundry

An agency may provide living quarters, subsistence, and laundering to student-employees while at the hospitals, clinics, or laboratories. The reasonable value of the accommodations, when furnished, shall be deducted from the stipend of the student-employee. The head of the agency concerned shall fix the reasonable value of the accommodations at an amount not less than the lowest deduction applicable to regular employees at the same hospital, clinic, or laboratory for similar accommodations.

§ 5354. Effect of detail or affiliation; travel expenses

(a) Status as a student-employee is not terminated by a temporary detail to or affiliation with another Government or non-Government institution to procure necessary supplementary training or experience pursuant to an order of the head of the agency. A student-employee may receive his stipend and other perquisites provided under this subchapter from the hospital, clinic, or laboratory to which he is assigned or attached for not more than 60 days of a detail or affiliation for each training year, as defined by the head of the agency.

(b) When the detail or affiliation under subsection (a) of this section is to or with another Federal institution, the student-employee is entitled to necessary expenses of travel to and from the institution in accordance with subchapter I of chapter 57 of this title.

§ 5355. Effect on other statutes

This subchapter does not limit the authority conferred on the Administrator of Veterans' Affairs by chapter 73 of title 38.

§ 5356. Appropriations

Funds appropriated to an agency for expenses of its hospitals, clinics, and laboratories to which student-employees are assigned or attached are available to carry out the provisions of this subchapter.

SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

§ 5361. Scientific and professional positions

Subject to the approval of the Civil Service Commission, the head of the agency concerned shall fix the annual rate of basic pay for scientific and professional positions established under section 3104 of this title at not less than the minimum rate for GS-16 nor more than the maximum rate for GS-18.

1 **§ 5362. Hearing examiners**

2 Hearing examiners appointed under section 3105 of this title are
3 entitled to pay prescribed by the Civil Service Commission independ-
4 ently of agency recommendations or ratings and in accordance with
5 subchapter III of this chapter and chapter 51 of this title.

6 **§ 5363. Limitation on pay fixed by administrative action**

7 Except as provided by the Government Employees Salary Reform
8 Act of 1964 (78 Stat. 400) and notwithstanding the provisions of other
9 statutes, the head of an Executive agency or military department who
10 is authorized to fix by administrative action the annual rate of basic
11 pay for a position or employee may not fix the rate at more than the
12 maximum rate for GS-18. This section does not impair the authorities
13 provided by—

- 14 (1) section 121 of title 2, Canal Zone Code (76A Stat. 15) ;
- 15 (2) sections 248, 481, and 1819 of title 12 ;
- 16 (3) section 831b of title 16 ; or
- 17 (4) sections 403a-403c, 403e-403h, and 403j of title 50.

18 **§ 5364. Miscellaneous positions in the executive branch**

19 The head of the agency concerned shall fix the annual rate of basic
20 pay for each position in the executive branch specifically referred to
21 in, or covered by, a conforming change in statute made by section 305
22 of the Government employees Salary Reform Act of 1964 (78 Stat.
23 422), or other position in the executive branch for which the annual
24 pay is fixed at a rate of \$18,500 or more under special provision of
25 statute enacted before August 14, 1964, which is not placed in a level
26 of the Executive Schedule set forth in subchapter II of this chapter,
27 at a rate equal to the pay rate of a grade and step of the General Sched-
28 ule set forth in section 5332 of this title. The head of the agency con-
29 cerned shall report each action taken under this section to the Civil
30 Service Commission and publish a notice thereof in the Federal Reg-
31 ister, except when the President determines that the report and pub-
32 lication would be contrary to the interest of national security.

33 **CHAPTER 55—PAY ADMINISTRATION**

34 **SUBCHAPTER I—GENERAL PROVISIONS**

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- 5501. Disposition of money accruing from lapsed salaries or unused appropria-
 tions for salaries.
- 5502. Unauthorized office ; prohibition on use of funds.
- 5503. Recess appointments.
- 5504. Biweekly pay periods ; computation of pay.
- 5505. Monthly pay periods ; computation of pay.
- 5506. Computation of extra pay based on standard or daylight saving time.
- 5507. Officer affidavit ; condition to pay.
- 5508. Officer entitled to leave ; effect on pay status.
- 5509. Appropriations.

1 SUBCHAPTER II—WITHHOLDING PAY

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- 5511. Withholding pay; employees removed for cause.
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- 5531. Definitions.
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5 SUBCHAPTER V—PREMIUM PAY

Sec.

- 5541. Definitions.
- 5542. Overtime rates; computation.
- 5543. Compensatory time off.
- 5544. Wage-board overtime rates; computation.
- 5545. Night, standby, and irregular duty differential.
- 5546. Pay for holiday work.
- 5547. Limitation on premium pay.
- 5548. Regulations.
- 5549. Effect on other statutes.

6 SUBCHAPTER VI—PAYMENT FOR ACCUMULATED AND 7 ACCRUED LEAVE

Sec.

- 5551. Lump-sum payment for accumulated and accrued leave on separation.
- 5552. Lump-sum payment for accumulated and accrued leave on entering active duty; election.

8 SUBCHAPTER VII—PAYMENTS TO MISSING 9 EMPLOYEES

Sec.

- 5561. Definitions.
- 5562. Pay and allowances; continuance while in a missing status; limitations.
- 5563. Allotments; continuance, suspension, initiation, resumption, or increase while in a missing status; limitations.
- 5564. Travel and transportation; dependents; household and personal effects; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable.
- 5565. Agency review.
- 5566. Agency determinations.
- 5567. Settlement of accounts.
- 5568. Income tax deferment.

1 SUBCHAPTER VIII—SETTLEMENT OF ACCOUNTS

Sec.

5581. Definitions.

5582. Designation of beneficiary ; order of precedence.

5583. Payment of money due ; settlement of accounts.

2 SUBCHAPTER IX—BACK PAY

Sec.

5591. Back pay ; individuals reinstated or restored after removal or suspension for cause.

5592. Back pay ; preference eligibles reinstated or restored after removal, suspension, or furlough.

5593. Back pay ; individuals reinstated or restored after reduction in force.

5594. Back pay ; individuals reinstated or restored after suspension or removal for national security.

3 SUBCHAPTER I—GENERAL PROVISIONS

4 § 5501. Disposition of money accruing from lapsed salaries or un- 5 used appropriations for salaries

6 Money accruing from lapsed salaries or from unused appropriations
7 for salaries shall be covered into the Treasury of the United States.
8 An individual who violates this section shall be removed from the
9 service.

10 § 5502. Unauthorized office ; prohibition on use of funds

11 (a) Payment for services may not be made from the Treasury of
12 the United States to an individual acting or assuming to act as an
13 officer in the civil service or uniformed services in an office which is not
14 authorized by existing law, unless the office is later sanctioned by law.

15 (b) Except as otherwise provided by statute, public money and
16 appropriations may not be used for pay or allowance for an individual
17 employed by an official of the United States retired from active
18 service.

19 § 5503. Recess appointments

20 (a) Payment for services may not be made from the Treasury of
21 the United States to an individual appointed during a recess of the
22 Senate to fill a vacancy in an existing office, if the vacancy existed
23 while the Senate was in session and was by law required to be filled by
24 and with the advice and consent of the Senate, until the appointee has
25 been confirmed by the Senate. This subsection does not apply—

26 (1) if the vacancy arose within 30 days before the end of the
27 session of the Senate ;

28 (2) if, at the end of the session, a nomination for the office,
29 other than the nomination of an individual appointed during the
30 preceding recess of the Senate, was pending before the Senate
31 for its advice and consent ; or

32 (3) if a nomination for the office was rejected by the Senate
33 within 30 days before the end of the session and an individual

other than the one whose nomination was rejected thereafter receives a recess appointment.

(b) A nomination to fill a vacancy referred to by paragraph (1), (2), or (3) of subsection (a) of this section shall be submitted to the Senate not later than 40 days after the beginning of the next session of the Senate.

§ 5504. Biweekly pay periods; computation of pay

(a) The pay period for an employee covers two administrative workweeks. For the purpose of this subsection, "employee" means—

(1) an employee in or under an Executive agency;

(2) an employee in or under the Office of the Architect of the Capitol, the Botanic Garden, and the Library of Congress, for whom a basic administrative workweek is established under section 6101(c) of this title; and

(3) an individual employed by the government of the District of Columbia;

but does not include—

(A) an employee on the Isthmus of Panama in the service of the Canal Zone Government or the Panama Canal Company; or

(B) an employee or individual excluded from the definition of employee in section 5541(2) of this title.

(b) For pay computation purposes affecting an employee, the annual rate of basic pay established by or under statute is deemed payment for employment during 52 basic administrative workweeks of 40 hours. When it is necessary for computation of pay under this subsection to convert an annual rate of basic pay to a basic hourly, daily, weekly, or biweekly rate, the following rules govern:

(1) To derive an hourly rate, divide the annual rate by 2,080.

(2) To derive a daily rate, multiply the hourly rate by the number of daily hours of service required.

(3) To derive a weekly or biweekly rate, multiply the hourly rate by 40 or 80, as the case may be.

Rates are computed to the nearest cent, counting one-half and over as a whole cent. For the purpose of this subsection, "employee" means—

(A) an employee in or under an Executive agency;

(B) an employee in or under the judicial branch;

(C) an employee in or under the Office of the Architect of the Capitol, the Botanic Garden, and the Library of Congress, for whom a basic administrative workweek is established under section 6101(c) of this title; and

1 (D) an individual employed by the government of the District
2 of Columbia;

3 but does not include an employee or individual excluded from the
4 definition of employee in section 5541(2) of this title.

5 (c) The Civil Service Commission may prescribe regulations, sub-
6 ject to the approval of the President, necessary for the administration
7 of this section insofar as this section affects employees in or under
8 the executive branch.

9 **§ 5505. Monthly pay periods; computation of pay**

10 The pay period for an individual in the service of the United States
11 whose pay is monthly or annual covers one calendar month, and the
12 following rules for division of time and computation of pay for
13 services performed govern:

14 (1) A month's pay is one-twelfth of a year's pay.

15 (2) A day's pay is one-thirtieth of a month's pay.

16 (3) The 31st day of a calendar month is ignored in computing
17 pay, except that one day's pay is forfeited for one day's unauthor-
18 ized absence on the 31st day of a calendar month.

19 (4) For each day of the month elapsing before entering the
20 service, one day's pay is deducted from the first month's pay of
21 the individual.

22 This section does not apply to an employee whose pay is computed
23 under section 5504(b) of this title.

24 **§ 5506. Computation of extra pay based on standard or daylight
25 saving time**

26 When an employee as defined by section 2105 of this title or an
27 individual employed by the government of the District of Columbia
28 is entitled to extra pay for services performed between or after certain
29 named hours of the day or night, the extra pay is computed on the
30 basis of either standard or daylight saving time, depending on the
31 time observed by law, custom, or practice where the services are
32 performed.

33 **§ 5507. Officer affidavit; condition to pay**

34 An officer required by section 3332 of this title to file an affidavit
35 may not be paid until the affidavit has been filed.

36 **§ 5508. Officer entitled to leave; effect on pay status**

37 An officer in the executive branch and an officer of the government
38 of the District of Columbia to whom subchapter I of chapter 63 of this
39 title applies are not entitled to the pay of their offices solely because of
40 their status as officers.

1 **§ 5509. Appropriations**

2 There are authorized to be appropriated sums necessary to carry
3 out the provisions of this title.

4 **SUBCHAPTER II—WITHHOLDING PAY**

5 **§ 5511. Withholding pay; employees removed for cause**

6 (a) Except as provided by subsection (b) of this section, the earned
7 pay of an employee removed for cause may not be withheld or
8 confiscated.

9 (b) If an employee indebted to the United States is removed for
10 cause, the pay accruing to the employee shall be applied in whole or
11 in part to the satisfaction of any claim or indebtedness due the United
12 States.

13 **§ 5512. Withholding pay; individuals in arrears**

14 (a) The pay of an individual in arrears to the United States shall
15 be withheld until he has accounted for and paid into the Treasury
16 of the United States all sums for which he is liable.

17 (b) When pay is withheld under subsection (a) of this section, the
18 General Accounting Office, on request of the individual, his agent, or
19 his attorney, shall report immediately to the Attorney General the
20 balance due; and the Attorney General, within 60 days, shall order suit
21 to be commenced against the individual and his sureties.

22 **§ 5513. Withholding pay; credit disallowed or charge raised for**
23 **payment**

24 When the General Accounting Office, on a statement of the account
25 of a disbursing or certifying official of the United States, disallows
26 credit or raises a charge for a payment to an individual in or under
27 an Executive agency otherwise entitled to pay, the pay of the payee
28 shall be withheld in whole or in part until full reimbursement is
29 made under regulations prescribed by the head of the Executive
30 agency from which the payee is entitled to receive pay. This section
31 does not repeal or modify existing statutes relating to the collection
32 of the indebtedness of an accountable, certifying, or disbursing official.

33 **§ 5514. Installment deduction for indebtedness because of errone-**
34 **ous payment**

35 (a) When the head of the agency concerned or his designee deter-
36 mines that an employee, a member of the armed forces, or a Reserve
37 of the armed forces, is indebted to the United States because of
38 an erroneous payment made by the agency to or on behalf of the
39 individual, the amount of the indebtedness may be collected in
40 monthly installments, or at officially established regular pay period

1 intervals, by deduction in reasonable amounts from the current pay
 2 account of the individual. The deductions may be made only from
 3 basic pay, special pay, incentive pay, retired pay, retainer pay, or,
 4 in the case of an individual not entitled to basic pay, other authorized
 5 pay. Collection shall be made over a period not greater than the
 6 anticipated period of active duty or employment, as the case may be.
 7 The amount deducted for any period may not exceed two-thirds of the
 8 pay from which the deduction is made, unless the deduction of a
 9 greater amount is necessary to make the collection within the period
 10 of anticipated active duty or employment. If the individual retires
 11 or if his employment or period of active duty otherwise ends before
 12 collection of the amount of the indebtedness is completed, deduction
 13 shall be made from later payments of any nature due the individual
 14 from the agency concerned.

15 (b) The head of each agency shall prescribe regulations, subject to
 16 the approval of the Director of the Bureau of the Budget, to carry
 17 out this section and section 581d of title 31. Regulations prescribed
 18 by the Secretaries of the military departments shall be uniform for
 19 the military services insofar as practicable.

20 (c) Subsection (a) of this section does not modify existing statutes
 21 which provide for forfeiture of pay or allowances. This section and
 22 section 581d of title 31 do not repeal, modify, or amend sections 4837
 23 (d) or 9837(d) of title 10 or section 1007 (b), (c) of title 37.

24 **§ 5515. Crediting amounts received for jury service in State courts**

25 An amount received by an employee as defined by section 2105 of
 26 this title or an individual employed by the government of the District
 27 of Columbia for jury service in a State court for a period during which
 28 the employee or individual is entitled to leave under section 6322 of
 29 this title shall be credited against pay payable by the United States or
 30 the District of Columbia to the employee or individual.

31 **§ 5516. Withholding District of Columbia income taxes**

32 (a) The Secretary of the Treasury, under regulations prescribed by
 33 the President, shall enter into an agreement with the Commissioners
 34 of the District of Columbia within 120 days of a request for agree-
 35 ment from the Commissioners. The agreement shall provide that
 36 the head of each agency of the United States shall comply with the
 37 requirements of subchapter II of chapter 15 of title 47, District of
 38 Columbia Code, in the case of employees of the agency who are subject
 39 to income taxes imposed by that subchapter and whose regular place
 40 of employment is within the District of Columbia. The agreement

1 may not apply to pay for service as a member of the armed forces, or
 2 to pay of an employee who is not a resident of the District of Columbia
 3 as defined in subchapter II of chapter 15 of title 47, District of Colum-
 4 bia Code.

5 (b) This section does not give the consent of the United States to the
 6 application of a statute which imposes more burdensome requirements
 7 on the United States than on other employers, or which subjects the
 8 United States or its employees to a penalty or liability because of this
 9 section.

10 **§ 5517. Withholding State income taxes**

11 (a) When a State statute—

12 (1) provides for the collection of a tax by imposing on employ-
 13 ers generally the duty of withholding sums from the pay of em-
 14 ployees and making returns of the sums to the State; and

15 (2) imposes the duty to withhold generally with respect to the
 16 pay of employees who are residents of the State;

17 the Secretary of the Treasury, under regulations prescribed by the
 18 President, shall enter into an agreement with the State within 120
 19 days of a request for agreement from the proper State official. The
 20 agreement shall provide that the head of each agency of the United
 21 States shall comply with the requirements of the State withholding
 22 statute in the case of employees of the agency who are subject to the
 23 tax and whose regular place of Federal employment is within the
 24 State with which the agreement is made. The agreement may not
 25 apply to pay for service as a member of the armed forces.

26 (b) This section does not give the consent of the United States to the
 27 application of a statute which imposes more burdensome requirements
 28 on the United States than on other employers, or which subjects the
 29 United States or its employees to a penalty or liability because of
 30 this section. An agency of the United States may not accept pay from
 31 a State for services performed in withholding State income taxes from
 32 the pay of the employees of the agency.

33 (c) For the purpose of this section, "State" means a State or terri-
 34 tory or possession of the United States.

35 **§ 5518. Deductions for State retirement systems; National Guard** 36 **employees**

37 When—

38 (1) a State statute provides for the payment of employee con-
 39 tributions to a State employee retirement system or to a State
 40 sponsored plan providing retirement, disability, or death benefits,

by withholding sums from the pay of State employees and making returns of the sums withheld to State authorities or to the person or organization designated by State authorities to receive sums withheld for the program; and

(2) individuals employed by the Army National Guard and the Air National Guard, except employees of the National Guard Bureau, are eligible for membership in a State employee retirement system or other State sponsored plan;

the Secretary of Defense, under regulations prescribed by the President, shall enter into an agreement with the State within 120 days of a request for agreement from the proper State official. The agreement shall provide that the Department of Defense shall comply with the requirements of State statute as to the individuals named by paragraph (2) of this section who are eligible for membership in the State employee retirement system. The disbursing officials paying these individuals shall withhold and pay to the State employee retirement system or to the person or organization designated by State authorities to receive sums withheld for the program the employee contributions for these individuals. For the purpose of this section, "State" means a State or territory or possession of the United States including the Commonwealth of Puerto Rico.

SUBCHAPTER III—ADVANCEMENT, ALLOTMENT, AND ASSIGNMENT OF PAY

§ 5521. Definitions

For the purpose of this subchapter—

(1) "agency" means—

(A) an Executive agency;

(B) the judicial branch;

(C) the Library of Congress;

(D) the Government Printing Office; and

(E) the government of the District of Columbia;

(2) "employee" means an individual employed in or under an agency;

(3) "head of each agency" means—

(A) the Director of the Administrative Office of the United States Courts with respect to the judicial branch;

and

(B) the Board of Commissioners of the District of Columbia with respect to the government of the District of Columbia; and

(4) "United States", when used in a geographical sense, means the several States and the District of Columbia.

§ 5522. Advance payments; rates; amounts recoverable

(a) The head of each agency may provide for the advance payment of the pay, allowances, and differentials, or any of them, covering a period of not more than 30 days, to or for the account of each employee of the agency (or, under emergency circumstances and on a reimbursable basis, an employee of another agency) whose evacuation (or that of his dependents or immediate family, as the case may be) from a place inside or outside the United States is ordered for military or other reasons which create imminent danger to the life or lives of the employee or of his dependents or immediate family.

(b) Subject to adjustment of the account of an employee under section 5524 of this title and other applicable statute, the advance payment of pay, allowances, and differentials is at rates currently authorized with respect to the employee on the date the advance payment is made under agency procedures governing advance payments under this subsection. The rates so authorized may not exceed the rates to which the employee was entitled immediately before issuance of the evacuation order.

(c) An advance of funds under subsection (a) of this section is recoverable by the Government of the United States or the government of the District of Columbia, as the case may be, from the employee or his estate by—

- (1) setoff against accrued pay, amount of retirement credit, or other amount due to the employee from the Government of the United States or the government of the District of Columbia; and
- (2) such other method as is provided by law.

The head of the agency concerned may waive in whole or in part a right of recovery of an advance of funds under subsection (a) of this section, if it is shown that the recovery would be against equity and good conscience or against the public interest

§ 5523. Duration of payments; rates; active service period

(a) The head of each agency may provide for—

- (1) the payment of monetary amounts covering a period of not more than 60 days to or for the account of each employee of the agency (or, under emergency circumstances and on a reimbursable basis, an employee of another agency)—

(A) whose evacuation from a place inside or outside the United States is ordered for military or other reasons which create imminent danger to the life of the employee; and

1 (B) who is prevented, by circumstances beyond his control
 2 and beyond the control of the Government of the United
 3 States or the government of the District of Columbia, or both,
 4 as the case may be, from performing the duties of the posi-
 5 tion which he held immediately before issuance of the evacua-
 6 tion order; and

7 (2) the termination of payment of the monetary amounts.

8 The President, with respect to the Executive agencies, may extend the
 9 60-day period for not more than 120 additional days if he determines
 10 that the extension of the period is in the interest of the United States.

11 (b) Subject to adjustment of the account of an employee under
 12 section 5524 of this title and other applicable statute, each payment
 13 under this section is at rates of pay, allowances, and differentials, or
 14 any of them, currently authorized with respect to the employee on the
 15 date payment is made under agency procedures governing payments
 16 under this section. The rates so authorized may not exceed the rates
 17 to which the employee was entitled immediately before issuance of the
 18 evacuation order. An employee in an Executive agency may be
 19 granted such additional allowance payments as the President deter-
 20 mines necessary to offset the direct added expenses incident to the
 21 evacuation.

22 (c) Each period for which payment of amounts is made under this
 23 section to or for the account of an employee is deemed, for all purposes
 24 with respect to the employee, a period of active service, without break
 25 in service, performed by the employee in the employment of the Gov-
 26 ernment of the United States or the government of the District of
 27 Columbia.

28 § 5524. Review of accounts

29 The head of each agency shall provide for—

30 (1) the review of the account of each employee of the agency
 31 in receipt of payments under section 5522 or 5523 of this title, or
 32 both, as the case may be; and

33 (2) the adjustment of the amounts of the payments on the
 34 basis of—

35 (A) the rates of pay, allowances, and differentials to which
 36 the employee would have been entitled under applicable
 37 statute other than this subchapter for the respective periods
 38 covered by the payments, if he had performed active service
 39 under the terms of his appointment during each period in the
 40 position he held immediately before the issuance of the appli-
 41 cable evacuation order; and

(B) such additional amounts as the employee is authorized to receive in accordance with a determination of the President under section 5523(b) of this title.

§ 5525. Allotment and assignment of pay

The head of each agency may establish procedures under which each employee of the agency is permitted to make allotments and assignments of amounts out of his pay for such purpose as the head of the agency considers appropriate.

§ 5526. Funds available on reimbursable basis

Funds available to an agency for payment of pay, allowances, and differentials to or for the accounts of employees of the agency are available on a reimbursable basis for payment of pay, allowances, and differentials to or for the accounts of employees of another agency under this subchapter.

§ 5527. Regulations

(a) To the extent practicable in the public interest, the President shall coordinate the policies and procedures of the respective Executive agencies under this subchapter.

(b) The President, with respect to the Executive agencies, and the head of the agency concerned, with respect to the appropriate agency outside the executive branch, shall prescribe and issue, or provide for the formulation and issuance of, regulations necessary and appropriate to carry out the provisions, accomplish the purposes, and govern the administration of this subchapter.

(c) The head of each Executive agency may prescribe and issue regulations, not inconsistent with the regulations of the President issued under subsection (b) of this section, necessary and appropriate to carry out his functions under this subchapter.

SUBCHAPTER IV—DUAL PAY AND DUAL EMPLOYMENT

§ 5531. Definitions

For the purpose of sections 5532 and 5533 of this title—

(1) “officer” has the meaning given it by section 101 of title 37; and

(2) “position” means a civilian office or position (including a temporary, part-time, or intermittent position), appointive or elective, in the legislative, executive, or judicial branch of the Government of the United States (including a Government corporation and a nonappropriated fund instrumentality under the jurisdiction of the armed forces) or in the government of the District of Columbia.

**§ 5532. Employment of retired officers of the uniformed services;
reduction in retired or retirement pay; exceptions**

(a) For the purpose of this section, "period for which he receives pay" means the full calendar period for which a retired officer of a regular component of a uniformed service receives the pay of a position when employed on a full-time basis, but only the days for which he actually receives that pay when employed on a part-time or intermittent basis.

(b) A retired officer of a regular component of a uniformed service who holds a position is entitled to receive the full pay of the position, but during the period for which he receives pay, his retired or retirement pay shall be reduced to an annual rate equal to the first \$2,000 of the retired or retirement pay plus one-half of the remainder, if any. In the operation of the formula for the reduction of retired or retirement pay under this subsection, the amount of \$2,000 shall be increased, from time to time, by appropriate percentage, in direct proportion to each increase in retired or retirement pay under section 1401a(b) of title 10 to reflect changes in the Consumer Price Index.

(c) The reduction in retired or retirement pay required by subsection (b) of this section does not apply to a retired officer of a regular component of a uniformed service—

(1) whose retirement was based on disability—

(A) resulting from injury or disease received in line of duty as a direct result of armed conflict; or

(B) caused by an instrumentality of war and incurred in line of duty during a period of war as defined by sections 101 and 301 of title 38; or

(2) employed on a temporary (full-time or part-time) basis, any other part-time basis, or an intermittent basis, for the first 30-day period for which he receives pay.

The exemption from reduction in retired or retirement pay under paragraph (2) of this subsection does not apply longer than—

(i) the first 30-day period for which he receives pay under one appointment from the position in which he is employed, if he is serving under not more than one appointment; and

(ii) the first period for which he receives pay under more than one appointment, in a fiscal year, which consists in the aggregate of 30 days, from all positions in which he is employed, if he is serving under more than one appointment in that fiscal year.

(d) Except as otherwise provided by this subsection, the Civil Serv-

1 ice Commission, subject to the supervision and control of the Presi-
 2 dent, may prescribe regulations under which exceptions may be made
 3 to the restrictions in subsection (b) of this section when appropriate
 4 authority determines that the exceptions are warranted because of
 5 special or emergency employment needs which otherwise cannot be
 6 readily met. The President of the Senate with respect to the United
 7 States Senate, the Speaker of the House of Representatives with re-
 8 spect to the United States House of Representatives, and the Architect
 9 of the Capitol with respect to the Office of the Architect of the Capitol
 10 each may provide for a means by which exceptions may be made to the
 11 restrictions in subsection (b) of this section when he determines that
 12 the exceptions are warranted because of special or emergency employ-
 13 ment needs which otherwise cannot be readily met. The Administra-
 14 tor of the National Aeronautics and Space Administration may ex-
 15 cept, at any time, an individual appointed to a scientific, engineering,
 16 or administrative position under section 2473(b)(2)(A) of title 42
 17 from the restrictions in subsection (b) of this section when he deter-
 18 mines that the exception is warranted because of special or emergency
 19 employment needs which otherwise cannot be readily met, but not
 20 more than 30 exceptions may exist at any one time under this authority.

21 **§ 5533. Dual pay from more than one position; limitations;**
 22 **exceptions**

23 (a) Except as provided by subsections (b), (c), and (d) of this sec-
 24 tion, an individual is not entitled to receive basic pay from more than
 25 one position for more than an aggregate of 40 hours of work in one
 26 calendar week (Sunday through Saturday).

27 (b) Except as otherwise provided by subsection (c) of this section,
 28 the Civil Service Commission, subject to the supervision and control
 29 of the President, may prescribe regulations under which exceptions
 30 may be made to the restrictions in subsection (a) of this section when
 31 appropriate authority determines that the exceptions are warranted
 32 because personal services otherwise cannot be readily obtained.

33 (c) Unless otherwise authorized by law, appropriated funds are not
 34 available for payment to an individual of pay from more than one
 35 position if the aggregate amount of the basic pay from the positions
 36 is more than \$2,000 a year, and if—

37 (1) the pay of one of the positions is paid by the Secretary of
 38 the Senate or the Clerk of the House of Representatives; or

39 (2) one of the positions is under the Office of the Architect of
 40 the Capitol.

1 (d) Subsection (a) of this section does not apply to—

2 (1) pay on a when-actually-employed basis received from more
3 than one consultant or expert position if the pay is not received
4 for the same hours of the same day;

5 (2) pay consisting of fees paid on other than a time basis;

6 (3) pay received by a teacher of the public schools of the Dis-
7 trict of Columbia for employment in a position during the summer
8 vacation period;

9 (4) pay paid by the Tennessee Valley Authority to an em-
10 ployee performing part-time or intermittent work in addition to
11 his normal duties when the Authority considers it to be in the
12 interest of efficiency and economy;

13 (5) pay received by an individual holding a position—

14 (A) the pay of which is paid by the Secretary of the Sen-
15 ate or the Clerk of the House of Representatives; or

16 (B) under the Architect of the Capitol;

17 (6) pay paid by the United States Coast Guard to an employee
18 occupying a part-time position of lamplighter; and

19 (7) pay within the purview of any of the following statutes:

20 (A) section 162 of title 2;

21 (B) section 23(b) of title 13;

22 (C) section 327 of title 15;

23 (D) section 907 of title 20;

24 (E) section 873 of title 33;

25 (F) section 3335 (a) or (c) of title 39;

26 (G) section 631 or 631a of title 31, District of Columbia
27 Code; or

28 (H) section 102 of title 2, Canal Zone Code.

29 (e) This section does not apply to an individual employed under
30 sections 174j-1 to 174j-7 or 174k of title 40.

31 **§ 5534. Dual employment and pay of Reserves and National**
32 **Guardsmen**

33 A Reserve of the armed forces or member of the National Guard
34 may accept a civilian office or position under the Government of the
35 United States or the government of the District of Columbia, and he
36 is entitled to receive the pay of that office or position in addition to pay
37 and allowances as a Reserve or member of the National Guard.

38 **§ 5535. Extra pay for details prohibited**

39 (a) An officer may not receive pay in addition to the pay for his
40 regular office for performing the duties of a vacant office as authorized
41 by sections 3345-3347 of this title.

(b) An employee may not receive—

(1) additional pay or allowances for performing the duties of another employee; or

(2) pay in addition to the regular pay received for employment held before his appointment or designation as acting for or instead of an occupant of another position or employment.

This subsection does not prevent a regular and permanent appointment by promotion from a lower to a higher grade of employment.

§ 5536. Extra pay for extra services prohibited

An employee or a member of a uniformed service whose pay or allowance is fixed by statute or regulation may not receive additional pay or allowance for the disbursement of public money or for any other service or duty, unless specifically authorized by law and the appropriation therefor specifically states that it is for the additional pay or allowance.

§ 5537. Fees for jury service in courts of the United States

An employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia may not receive fees for jury service in a court of the United States.

SUBCHAPTER V—PREMIUM PAY

§ 5541. Definitions

For the purpose of this subchapter—

(1) “agency” means—

(A) an Executive agency;

(B) a military department;

(C) an agency in the judicial branch;

(D) the Library of Congress;

(E) the Botanic Garden;

(F) the Office of the Architect of the Capitol; and

(G) the government of the District of Columbia; and

(2) “employee” means—

(A) an employee in or under an Executive agency;

(B) an individual employed by the government of the District of Columbia; and

(C) an employee in or under the judicial branch, the Library of Congress, the Botanic Garden, and the Office of the Architect of the Capitol, who occupies a position subject to chapter 51 and subchapter III of chapter 53 of this title;

but does not include—

(i) a justice or judge of the United States;

1 (ii) the head of an agency other than the government of
2 the District of Columbia;

3 (iii) a teacher, school official, or employee of the Board
4 of Education of the District of Columbia, whose pay is fixed
5 under chapter 15 of title 31, District of Columbia Code;

6 (iv) a member of the Metropolitan Police, the Fire De-
7 partment of the District of Columbia, the United States
8 Park Police, or the White House Police;

9 (v) a student-employee as defined by section 5351 of this
10 title;

11 (vi) an employee in the postal field service;

12 (vii) an employee outside the continental United States
13 or in Alaska who is paid in accordance with local native
14 prevailing wage rates for the area in which employed;

15 (viii) an employee of the Tennessee Valley Authority;

16 (ix) an individual to whom section 1291(a) of title 50,
17 appendix, applies;

18 (x) an employee of a Federal land bank, a Federal inter-
19 mediate credit bank, or a bank for cooperatives;

20 (xi) an employee whose basic pay is fixed and adjusted
21 from time to time in accordance with prevailing rates by
22 a wage board or similar administrative authority serving the
23 same purpose, except as provided by section 5544 of this title;

24 (xii) an employee of the Transportation Corps of the
25 Army on a vessel operated by the United States, a vessel
26 employee of the Coast and Geodetic Survey, a vessel employee
27 of the Department of the Interior, or a vessel employee of
28 the Panama Canal Company; or

29 (xiii) a "teacher" or an individual holding a "teaching
30 position" as defined by section 901 of title 20.

31 § 5542. Overtime rates; computation

32 (a) Hours of work officially ordered or approved in excess of 40
33 hours in an administrative workweek performed by an employee are
34 overtime work and shall be paid for, except as otherwise provided by
35 this subchapter, at the following rates:

36 (1) For an employee whose basic pay is at a rate which does
37 not exceed the minimum rate of basic pay for GS-9, the overtime
38 hourly rate of pay is an amount equal to one and one-half times
39 the hourly rate of basic pay of the employee, and all that amount
40 is premium pay.

(2) For an employee whose basic pay is at a rate which exceeds the minimum rate of basic pay for GS-9, the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of the minimum rate of basic pay for GS-9, and all that amount is premium pay.

(b) For the purpose of this subchapter—

(1) unscheduled overtime work performed by an employee on a day when work was not scheduled for him, or for which he is required to return to his place of employment, is deemed at least 2 hours in duration; and

(2) time spent in a travel status away from the official-duty station of an employee is not hours of employment unless—

(A) the time spent is within the days and hours of the regularly scheduled administrative workweek of the employee, including regularly scheduled overtime hours; or

(B) the travel involves the performance of work while traveling or is carried out under arduous conditions.

§ 5543. Compensatory time off

(a) The head of an agency may—

(1) on request of an employee, grant the employee compensatory time off from his scheduled tour of duty instead of payment for an equal amount of time spent in irregular or occasional overtime work; and

(2) provide that an employee whose rate of basic pay is in excess of the maximum rate of basic pay for GS-9 shall be granted compensatory time off from his scheduled tour of duty equal to the amount of time spent in irregular or occasional overtime work instead of being paid for that work under section 5542 of this title.

(b) The Architect of the Capitol may grant an employee paid on an annual basis compensatory time off from duty instead of overtime pay for overtime work.

§ 5544. Wage-board overtime rates; computation

(a) An employee whose basic rate of pay is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose is entitled to overtime pay for overtime work in excess of 8 hours a day or 40 hours a week. However, an employee subject to this subsection who regularly is required to remain at or within the confines of his post of duty in excess of 8 hours a day in a standby or on-call status is entitled

1 to overtime pay only for hours of duty, exclusive of eating and sleep-
 2 ing time, in excess of 40 a week. The overtime hourly rate of pay is
 3 computed as follows:

4 (1) If the basic rate of pay of the employee is fixed on a basis
 5 other than an annual or monthly basis, multiply the basic hourly
 6 rate of pay by not less than one and one-half.

7 (2) If the basic rate of pay of the employee is fixed on an
 8 annual basis, divide the basic annual rate of pay by 2,080, and
 9 multiply the quotient by one and one-half.

10 (3) If the basic rate of pay of the employee is fixed on a monthly
 11 basis, multiply the basic monthly rate of pay by 12 to derive a
 12 basic annual rate of pay, divide the basic annual rate of pay by
 13 2,080, and multiply the quotient by one and one-half.

14 (b) An employee under the Office of the Architect of the Capitol
 15 who is paid on a daily or hourly basis and who is not subject to chapter
 16 51 and subchapter III of chapter 53 of this title is entitled to overtime
 17 pay for overtime work in accordance with subsection (a) of this sec-
 18 tion. The overtime hourly rate of pay is computed in accordance with
 19 subsection (a) (1) of this section.

20 **§ 5545. Night, standby, and irregular duty differential**

21 (a) Except as provided by subsection (b) of this section, nightwork
 22 is regularly scheduled work between the hours of 6:00 p.m. and 6:00
 23 a.m., and includes—

24 (1) periods of absence with pay during these hours due to
 25 holidays; and

26 (2) periods of leave with pay during these hours if the periods
 27 of leave with pay during a pay period total less than 8 hours.

28 Except as otherwise provided by subsection (c) of this section, an em-
 29 ployee is entitled to pay for nightwork at his rate of basic pay plus
 30 premium pay amounting to 10 percent of that basic rate. This sub-
 31 section and subsection (b) of this section do not modify section 180
 32 of title 31, or other statute authorizing additional pay for nightwork.

33 (b) The head of an agency may designate a time after 6:00 p.m. and
 34 a time before 6:00 a.m. as the beginning and end, respectively, of night-
 35 work for the purpose of subsection (a) of this section, at a post out-
 36 side the United States where the customary hours of business extend
 37 into the hours of nightwork provided by subsection (a) of this section.

38 (c) The head of an agency, with the approval of the Civil Service
 39 Commission, may provide that—

40 (1) an employee in a position requiring him regularly to remain
 41 at, or within the confines of, his station during longer than ordi-

nary periods of duty, a substantial part of which consists of remaining in a standby status rather than performing work, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for irregular, unscheduled overtime duty in excess of his regularly scheduled weekly tour. Premium pay under this paragraph is determined as an appropriate percentage, not in excess of 25 percent, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-9, by taking into consideration the number of hours of actual work required in the position, the number of hours required in a standby status at or within the confines of the station, the extent to which the duties of the position are made more onerous by night or holiday work, or by being extended over periods of more than 40 hours a week, and other relevant factors; or

(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty and duty at night and on holidays with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime duty. Premium pay under this paragraph is determined as an appropriate percentage, not in excess of 15 percent, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-9, by taking into consideration the frequency and duration of night, holiday, and unscheduled overtime duty required in the position.

§ 5546. Pay for holiday work

(a) An employee who performs work on a holiday designated by Federal statute, Executive order, or with respect to an employee of the government of the District of Columbia, by order of the Board of Commissioners of the District of Columbia, is entitled to pay at the rate of his basic pay, plus premium pay at a rate equal to the rate of his basic pay, for that holiday work which is not—

(1) in excess of 8 hours; or

(2) overtime work as defined by section 5542(a) of this title.

(b) An employee who is required to perform any work on a designated holiday is entitled to pay for at least 2 hours of holiday work.

(c) An employee who performs overtime work as defined by section

1 5442(a) of this title on a Sunday or a designated holiday is entitled
 2 to pay for that overtime work in accordance with section 5542(a) of
 3 this title.

4 (d) Premium pay under this section is in addition to premium pay
 5 which may be due for the same work under section 5545 (a) and (b)
 6 of this title, providing premium pay for nightwork.

7 **§ 5547. Limitation on premium pay**

8 An employee may be paid premium pay under this subchapter only
 9 to the extent that the payment does not cause his aggregate rate of pay
 10 for any pay period to exceed the maximum rate for GS-15.

11 **§ 5548. Regulations**

12 The Civil Service Commission may prescribe regulations, subject
 13 to the approval of the President, necessary for the administration of
 14 this subchapter, except section 5544, insofar as this subchapter affects
 15 employees in or under the executive branch.

16 **§ 5549. Effect on other statutes**

17 This subchapter does not prevent payment for overtime services or
 18 for Sunday or holiday work under any of the following statutes—

- 19 (1) section 394 of title 7;
- 20 (2) sections 1353a and 1353b of title 8;
- 21 (3) sections 261, 267, 1450, 1451, 1451a, and 1452 of title 19;
- 22 (4) section 382b of title 46; and
- 23 (5) section 154(f) (3) of title 47.

24 However, an employee may not receive premium pay under this sub-
 25 chapter for the same services for which he is paid under one of these
 26 statutes.

27 **SUBCHAPTER VI—PAYMENT FOR ACCUMULATED AND**
 28 **ACCRUED LEAVE**

29 **§ 5551. Lump-sum payment for accumulated and accrued leave on**
 30 **separation**

31 (a) An employee as defined by section 2105 of this title or an indi-
 32 vidual employed by the government of the District of Columbia, who
 23 is separated from the service or elects to receive a lump-sum payment
 34 for leave under section 5552 of this title, is entitled to receive a lump-
 35 sum payment for accumulated and current accrued annual or vacation
 36 leave to which he is entitled by statute. The lump-sum payment shall
 37 equal the pay the employee or individual would have received had he
 38 remained in the service until expiration of the period of the annual or
 39 vacation leave, except that it may not exceed pay for a period of annual
 40 or vacation leave in excess of 30 days or the number of days carried
 41 over to his credit at the beginning of the leave year in which entitle-

ment to payment occurs, whichever is greater. The lump-sum payment is considered pay for taxation purposes only.

(b) The accumulated and current accrued annual leave to which an officer excepted from subchapter I of chapter 63 of this title by section 6301(2) (x)–(xii) of this title, is entitled immediately before the date he is excepted under that section shall be liquidated by a lump-sum payment in accordance with subsection (a) of this section or subchapter VIII of this chapter, except that the payment is—

(1) based on the rate of pay which he was receiving immediately before the date on which section 6301(2) (x)–(xii) of this title became applicable to him; and

(2) made without regard to the limitation in subsection (a) of this section on the amount of leave compensable.

§ 5552. Lump-sum payment for accumulated and accrued leave on entering active duty; election

An employee as defined by section 2105 of this title or an individual employed by a territory or possession of the United States or the government of the District of Columbia who enters on active duty in the armed forces is entitled to—

(1) receive, in addition to his pay and allowances from the armed forces, a lump-sum payment for accumulated and current accrued annual or vacation leave in accordance with section 5551 of this title; or

(2) elect to have the leave remain to his credit until his return from active duty.

**SUBCHAPTER VII—PAYMENTS TO MISSING
EMPLOYEES**

§ 5561. Definitions

For the purpose of this subchapter—

(1) “agency” means an Executive agency and a military department;

(2) “employee” means an employee in or under an agency who is a citizen or national of the United States or an alien admitted to the United States for permanent residence, but does not include a part-time or intermittent employee or native labor casually hired on an hourly or daily basis. However, such an employee who enters a status listed in paragraph 5 (A)–(E) of this section—

(A) inside the continental United States; or

(B) who is a resident at or in the vicinity of his place of employment in a territory or possession of the United States

1 or in a foreign country and who was not living there solely
 2 as a result of his employment;
 3 is an employee for the purpose of this subchapter only on a deter-
 4 mination by the head of the agency concerned that this status is
 5 the proximate result of employment by the agency;

6 (3) "dependent" means—

7 (A) a wife;

8 (B) an unmarried child (including an unmarried depend-
 9 ent stepchild or adopted child) under 21 years of age;

10 (C) a dependent mother or father;

11 (D) a dependent designated in official records; and

12 (E) an individual determined to be dependent by the head
 13 of the agency concerned or his designee;

14 (4) "active service" means active Federal service by an
 15 employee;

16 (5) "missing status" means the status of an employee who is
 17 in active service and is officially carried or determined to be absent
 18 in a status of—

19 (A) missing;

20 (B) missing in action;

21 (C) interned in a foreign country;

22 (D) captured, beleaguered, or besieged by a hostile force;

23 or

24 (E) detained in a foreign country against his will;

25 but does not include the status of an employee for a period during
 26 which he is officially determined to be absent from his post of
 27 duty without authority; and

28 (6) "pay and allowances" means—

29 (A) basic pay;

30 (B) special pay;

31 (C) incentive pay;

32 (D) basic allowance for quarters;

33 (E) basic allowance for subsistence; and

34 (F) station per diem allowances for not more than 90 days.

35 **§ 5562. Pay and allowances; continuance while in a missing**
 36 **status; limitations**

37 (a) An employee in a missing status is entitled to receive or have
 38 credited to his account, for the period he is in that status, the same
 39 pay and allowances to which he was entitled at the beginning of that
 40 period or may become entitled thereafter.

(b) Entitlement to pay and allowances under subsection (a) of this section ends on the date of—

(1) receipt by the head of the agency concerned of evidence that the employee is dead; or

(2) death prescribed or determined under section 5565 of this title.

That entitlement does not end—

(A) on the expiration of the term of service or employment of an employee while he is in a missing status; or

(B) earlier than the dates prescribed in paragraphs (1) and (2) of this subsection if the employee dies while he is in a missing status.

(c) An employee who is officially determined to be absent from his post of duty without authority is indebted to the United States for payments of amounts credited to his account under subsection (a) of this section for the period of that absence.

(d) When an employee in a missing status is continued in that status under section 5565 of this title, he continues to be entitled to have pay and allowances credited under subsection (a) of this section.

§ 5563. Allotments; continuance, suspension, initiation, resumption, or increase while in a missing status; limitations

(a) An allotment (including one for the purchase of United States savings bonds) made by an employee before he was in a missing status may be continued for the period he is in that status, notwithstanding the end of the period for which the allotment was made.

(b) In the absence of an allotment or when an allotment is insufficient for a purpose authorized by the head of the agency concerned, he or his designee may authorize such a new or increased allotment as circumstances warrant, which is payable for the period the employee concerned is in a missing status.

(c) All allotments from the pay and allowances of an employee in a missing status may not total more than the amount of pay and allowances he is permitted to allot under regulations prescribed by the head of the agency concerned.

(d) A premium paid by the United States on insurance issued on the life of an employee, which is unearned because it covers a period after his death, reverts to the appropriation of the agency concerned.

(e) Subject to subsections (f) and (g) of this section, the head of the agency concerned or his designee may direct the initiation, continuance, discontinuance, increase, decrease, suspension, or resumption of

1 an allotment from the pay and allowances of an employee in a missing
 2 status when that action is in the interests of the employee, his depend-
 3 ents, or the United States.

4 (f) When the head of the agency concerned officially reports that
 5 an employee in a missing status is alive, an allotment under subsec-
 6 tions (a)–(d) of this section may be paid, subject to section 5562 of this
 7 title, until the date the head of the agency concerned receives evidence
 8 that the employee is dead or has returned to the controllable jurisdic-
 9 tion of the agency concerned.

10 (g) When an employee in a missing status is continued in that status
 11 under section 5565 of this title, an allotment under subsections (a)–(d)
 12 of this section may be continued, increased, or initiated.

13 (h) When the head of the agency concerned considers it essential
 14 for the well-being and protection of the dependents of an employee in
 15 active service (other than an employee in a missing status), he may,
 16 with or without the consent of the employee and subject to termination
 17 on specific request of the employee—

18 (1) direct the payment of a new allotment from the pay of the
 19 employee;

20 (2) increase or decrease the amount of an allotment made by
 21 the employee; and

22 (3) continue payment of an allotment of the employee which
 23 has expired.

24 **§ 5564. Travel and transportation; dependents; household and**
 25 **personal effects; motor vehicles; sale of bulky items;**
 26 **claims for proceeds; appropriation chargeable**

27 (a) For the purpose of this section, “household and personal effects”
 28 and “household effects” may include, in addition to other authorized
 29 weight allowances, one privately owned motor vehicle which may be
 30 shipped at United States expense when it is located outside the United
 31 States or in Alaska or Hawaii.

32 (b) Transportation (including packing, crating, draying, tem-
 33 porarily storing, and unpacking of household and personal effects)
 34 may be provided for the dependents and household and personal
 35 effects of an employee in active service (without regard to pay grade)
 36 who is officially reported as dead, injured, or absent for more than 29
 37 days in a status listed in section 5561(5)(A)–(E) of this title to—

38 (1) the official residence of record for the employee;

39 (2) the residence of his dependent, next of kin, or other person
 40 entitled to the effects under regulations prescribed by the head of
 41 the agency concerned; or

(3) another location determined in advance or later approved by the head of the agency concerned or his designee on request of the employee (if injured) or his dependent, next of kin, or other person described in paragraph (2) of this subsection.

(c) When an employee described in subsection (b) of this section is in an injured status, transportation of dependents and household and personal effects may be provided under this section only when prolonged hospitalization or treatment is anticipated.

(d) Transportation on request of a dependent may be authorized under this section only when there is a reasonable relationship between the circumstances of the dependent and the destination requested.

(e) Instead of providing transportation for dependents under this section, when the travel has been completed the head of the agency concerned may authorize—

(1) reimbursement for the commercial cost of the transportation; or

(2) a monetary allowance, instead of transportation, as authorized by statute for the whole or that part of the travel for which transportation in kind was not furnished.

(f) The head of the agency concerned may store the household and personal effects of an employee described in subsection (b) of this section until proper disposition can be made. The cost of the storage and transportation (including packing, crating, draying, temporarily storing, and unpacking) of household and personal effects shall be charged against appropriations currently available.

(g) When the head of the agency concerned determines that an emergency exists and that a sale would be in the best interests of the United States, he may provide for the public or private sale of motor vehicles and other bulky items of the household and personal effects of an employee described in subsection (b) of this section. Before a sale, and if practicable, a reasonable effort shall be made to determine the desires of interested persons. The net proceeds from the sale shall be sent to the owner or other person entitled thereto under regulations prescribed by the head of the agency concerned. If there is no owner or other person entitled thereto, or if the owner or other person or their addresses are not ascertained within 1 year from the date of sale, the net proceeds may be covered into the Treasury of the United States as miscellaneous receipts.

(h) A claim for net proceeds covered into the Treasury under subsection (g) of this section may be filed with the General Accounting Office by the owner, his heir or next of kin, or his legal representative

1 at any time before the end of 5 years from the date the proceeds are
 2 covered into the Treasury. When a claim is filed, the General Ac-
 3 counting Office shall allow or disallow it. A claim that is allowed
 4 shall be paid from the appropriation for refunding money erroneously
 5 received and covered. If a claim is not filed before the end of 5 years
 6 from the date the proceeds are covered into the Treasury, it is barred
 7 from being acted on by the General Accounting Office or the courts.

8 (i) This section does not amend or repeal—

9 (1) section 2575, 2733, 4712, 4713, 6522, 9712, or 9713 of title 10;

10 (2) section 507 of title 14; or

11 (3) chapter 171 of title 28.

12 **§ 5565. Agency review**

13 (a) When an employee has been in a missing status almost 12
 14 months and no official report of his death or the circumstances of his
 15 continued absence has been received by the head of the agency con-
 16 cerned, he shall have the case fully reviewed. After that review and
 17 the end of 12 months in a missing status, or after any later review
 18 which shall be made when warranted by information received or other
 19 circumstances, the head of the agency concerned or his designee may—

20 (1) direct the continuance of his missing status, if there is a
 21 reasonable presumption that the employee is alive; or

22 (2) make a finding of death.

23 (b) When a finding of death is made under subsection (a) of this
 24 section, it shall include the date death is presumed to have occurred for
 25 the purpose of the ending of crediting pay and allowances and settle-
 26 ment of accounts. That date is—

27 (1) the day after the day on which the 12 months in a missing
 28 status ends; or

29 (2) a day determined by the head of the agency concerned or
 30 his designee when the missing status has been continued under
 31 subsection (a) of this section.

32 (c) For the purpose of determining status under this section, a
 33 dependent of an employee in active service is deemed an employee. A
 34 determination under this section made by the head of the agency con-
 35 cerned or his designee is conclusive on all other agencies of the United
 36 States. This section does not entitle a dependent to pay, allowances,
 37 or other compensation to which he is not otherwise entitled.

38 **§ 5566. Agency determinations**

39 (a) The head of the agency concerned or his designee may make

1 any determination necessary to administer this subchapter, and when
2 so made it is conclusive as to—

3 (1) death or finding of death;

4 (2) the fact of dependency under this subchapter;

5 (3) any other status covered by this subchapter;

6 (4) an essential date, including one on which evidence or in-
7 formation is received by the head of the agency concerned; and

8 (5) whether information received concerning an employee is
9 to be construed and acted on as an official report of death.

10 (b) When the head of the agency concerned receives information
11 that he considers to conclusively establish the death of an employee,
12 he shall take action thereon as an official report of death, notwith-
13 standing an earlier action relating to death or other status of the
14 employee. After the end of 12 months in a missing status prescribed
15 by section 5565 of this title, the head of the agency concerned or his
16 designee shall make a finding of death when he considers that the
17 information received, or a lapse of time without information, estab-
18 lishes a reasonable presumption that an employee in a missing status
19 is dead.

20 (c) The head of the agency concerned or his designee may deter-
21 mine the entitlement of an employee to pay and allowances under this
22 subchapter, including credits and charges in his account, and that
23 determination is conclusive. An account may not be charged or deb-
24 ited with an amount that an employee captured, beleaguered, or be-
25 sieged by a hostile force may receive or be entitled to receive from, or
26 have placed to his credit by, the hostile force as pay, allowances, or
27 other compensation.

28 (d) When circumstances warrant the reconsideration of a determi-
29 nation made under this subchapter, the head of the agency concerned
30 or his designee may change or modify it.

31 (e) When the account of an employee has been charged or debited
32 with an allotment paid under this subchapter, the amount so charged
33 or debited shall be recredited to the account of the employee if the head
34 of the agency concerned or his designee determines that the payment
35 was induced by fraud or misrepresentation to which the employee was
36 not a party.

37 (f) Except an allotment for an unearned insurance premium, an
38 allotment paid from the pay and allowances of an employee for the
39 period he is in a missing status may not be collected from the allottee

1 as an overpayment when payment was caused by delay in receiving
2 evidence of death. An allotment paid for a period after the end, under
3 this subchapter or otherwise, of entitlement to pay and allowances may
4 not be collected from the allottee or charged against the pay of a
5 deceased employee when payment was caused by delay in receiving evi-
6 dence of death.

7 (g) The head of the agency concerned or his designee may waive the
8 recovery of an erroneous payment or overpayment of an allotment to
9 a dependent if he considers recovery is against equity and good con-
10 science.

11 (h) For the purpose of determining status under this section, a
12 dependent of an employee in active service is deemed an employee. A
13 determination under this section made by the head of the agency
14 concerned or his designee is conclusive on all other agencies of the
15 United States. This section does not entitle a dependent to pay, allow-
16 ances, or other compensation to which he is not otherwise entitled.

17 **§ 5567. Settlement of accounts**

18 (a) The head of the agency concerned or his designee may settle
19 the accounts of—

20 (1) an employee for whose account payment has been made un-
21 der sections 5562, 5563, and 5565 of this title; and

22 (2) a survivor of a casualty to a ship, station, or military in-
23 stallation which results in the loss or destruction of disbursing
24 records.

25 That settlement is conclusive on the accounting officials of the United
26 States in settling the accounts of disbursing officials.

27 (b) Payment or settlement of an account made pursuant to a report,
28 determination, or finding of death may not be recovered or reopened
29 because of a later report or determination which fixes a date of death.
30 However, an account shall be reopened and settled on the basis of a
31 date of death so fixed which is later than that used as a basis for
32 earlier settlement.

33 (c) In settling the accounts of a disbursing official, he is entitled to
34 credit for an erroneous payment or overpayment made by him in car-
35 rying out this subchapter, except section 5568, if there is no fraud or
36 criminality by him. Recovery may not be made from an individual
37 who authorizes a payment under this subchapter, except section 5568,
38 if there is no fraud or criminality by him.

39 **§ 5568. Income tax deferment**

40 Notwithstanding other statutes, in the case of a taxable year begin-
41 ning after December 31, 1940, any Federal income tax return of, or

1 the payment of any Federal income tax by, an employee who, at the
 2 time the return or payment would otherwise become due, is in a missing
 3 status does not become due until the earlier of the following dates:

4 (1) the fifteenth day of the third month in which he ceased
 5 (except because of death or incompetency) being in a missing
 6 status, unless before the end of that fifteenth day he is again in a
 7 missing status; or

8 (2) the fifteenth day of the third month after the month in
 9 which an executor, administrator, or conservator of the estate of
 10 the taxpayer is appointed.

11 That due date is prescribed subject to the power of the Secretary of the
 12 Treasury or his delegate to extend the time for filing the return or
 13 paying the tax, as in other cases, and to assess and collect the tax as
 14 provided by sections 6851, 6861, and 6871 of title 26 in cases in which
 15 the assessment or collection is jeopardized and in cases of bankruptcy
 16 or receivership.

17 SUBCHAPTER VIII—SETTLEMENT OF ACCOUNTS

18 § 5581. Definitions

19 For the purpose of this subchapter—

20 (1) “employee” means—

21 (A) an employee as defined by section 2105 of this title;

22 and

23 (B) an individual employed by the government of the
 24 District of Columbia;

25 but does not include an employee of—

26 (i) a Federal land bank;

27 (ii) a Federal intermediate credit bank; or

28 (iii) a regional bank for cooperatives;

29 (2) “money due” means the pay and allowances due on account
 30 of the services of a deceased employee for the Government of the
 31 United States or the government of the District of Columbia.

32 It includes, but is not limited to—

33 (A) per diem instead of subsistence, mileage, and amounts
 34 due in reimbursement of travel expenses, including incidental
 35 and miscellaneous expenses in connection therewith for which
 36 reimbursement is due;

37 (B) allowances on change of official station;

38 (C) quarters and cost-of-living allowances and overtime or
 39 premium pay;

40 (D) amounts due for payment of cash awards for
 41 employees' suggestions;

1 (E) amounts due as refund of pay deductions for United
2 States savings bonds;

3 (F) payment for accumulated and current accrued annual
4 or vacation leave equal to the pay the deceased employee
5 would have received had he lived and remained in the service
6 until the end of the period of annual or vacation leave;

7 (G) amounts of checks drawn for pay and allowances which
8 were not delivered by the Government to the employee during
9 his lifetime;

10 (H) amounts of unnegotiated checks returned to the Gov-
11 ernment because of the death of the employee; and

12 (I) retroactive pay under section 5344(a)(2) of this title.

13 It does not include benefits, refunds, or interest payable under
14 subchapter III of chapter 83 of this title applicable to the service
15 of the deceased employee, or amounts the disposition of which is
16 otherwise expressly prescribed by Federal statute.

17 **§ 5582. Designation of beneficiary; order of precedence**

18 (a) The employing agency shall notify each employee of his right
19 to designate a beneficiary or beneficiaries to receive money due, and of
20 the disposition of money due if a beneficiary is not designated. An
21 employee may change or revoke a designation at any time under such
22 regulations as the Comptroller General of the United States may
23 prescribe.

24 (b) In order to facilitate the settlement of the accounts of deceased
25 employees, money due an employee at the time of his death shall be
26 paid to the person or persons surviving at the date of death, in the
27 following order of precedence, and the payment bars recovery by
28 another person of amounts so paid:

29 First, to the beneficiary or beneficiaries designated by the
30 employee in a writing received in the employing agency before his
31 death.

32 Second, if there is no designated beneficiary, to the widow or
33 widower of the employee.

34 Third, if none of the above, to the child or children of the
35 employee and descendants of deceased children by representation.

36 Fourth, if none of the above, to the parents of the employee or
37 the survivor of them.

38 Fifth, if none of the above, to the duly appointed legal repre-
39 sentative of the estate of the employee.

40 Sixth, if none of the above, to the person or persons entitled

under the laws of the domicile of the employee at the time of his death.

§ 5583. Payment of money due; settlement of accounts

(a) Under such regulations as the Comptroller General of the United States may prescribe, the employing agency shall pay money due a deceased employee to the beneficiary designated by the employee under section 5582(b) of this title, or, if none, to the widow or widower of the employee.

(b) Except as the Comptroller General may by regulation otherwise authorize or direct, accounts not payable under subsection (a) of this section are payable on settlement of the General Accounting Office. However—

(1) accounts of employees of the government of the District of Columbia shall be paid by the District of Columbia;

(2) accounts of employees of the Canal Zone Government on the Isthmus of Panama shall be paid by the Canal Zone Government; and

(3) accounts of employees of Government corporations or mixed ownership Government corporations may be paid by the corporations.

SUBCHAPTER IX—BACK PAY

§ 5591. Back pay; individuals reinstated or restored after removal or suspension for cause

An individual removed or suspended under section 7501 of this title who, after filing a written answer to the charges under section 7501 of this title or after further appeal to proper authority after receipt of an adverse decision on the answer, is reinstated or restored to duty because the action was unjustified or unwarranted is—

(1) entitled to pay, at the rate received on the date of the removal or suspension, for the period for which he did not receive pay with respect to the position from which he was removed or suspended, less the amount he earned through other employment during that period; and

(2) deemed to have performed service during that period for all purposes except for the accumulation of leave.

Decision on an appeal to proper authority under this section shall be made at the earliest practicable date.

§ 5592. Back pay; preference eligibles reinstated or restored after removal, suspension, or furlough

An individual removed, suspended, or furloughed under section 7512 of this title who, after answering the reasons advanced for the

1 proposed adverse action under section 7512 of this title or after an
 2 appeal to the Civil Service Commission under section 7701 of this title,
 3 is reinstated or restored to duty because the action was unjustified or
 4 unwarranted is—

5 (1) entitled to pay, at the rate received on the date of the re-
 6 moval, suspension, or furlough, for the period for which he did
 7 not receive pay with respect to the position from which he was
 8 removed, suspended, or furloughed, less the amounts he earned
 9 through other employment during that period; and

10 (2) deemed to have performed service during that period for
 11 all purposes except for the accumulation of leave.

12 **§ 5593. Back pay; individuals reinstated or restored after reduc-**
 13 **tion in force**

14 An individual removed or furloughed without pay in a reduction
 15 in force who, after an appeal to proper authority, is reinstated or re-
 16 stored to duty because the action was unjustified or unwarranted is—

17 (1) entitled to pay, at the rate received on the date of the re-
 18 moval or furlough, for the period for which he did not receive
 19 pay with respect to the position from which he was removed or
 20 furloughed, less the amounts he earned through other employ-
 21 ment during that period; and

22 (2) deemed to have performed service during that period for
 23 all purposes except for the accumulation of leave.

24 Decision on an appeal to proper authority under this section shall
 25 be made at the earliest practicable date.

26 **§ 5594. Back pay; individuals reinstated or restored after suspen-**
 27 **sion or removal for national security**

28 An individual suspended or removed under section 7532 of this title
 29 who is reinstated or restored to duty under section 3571 of this title
 30 is entitled to pay in an amount not to exceed the amount he normally
 31 would have earned during the period of suspension or removal, at the
 32 rate received on the date of suspension or removal, for all or a part of
 33 the period for which he did not receive pay with respect to the position
 34 from which he was suspended or removed, less the amounts he earned
 35 through other employment during that period.

36 **CHAPTER 57—TRAVEL, TRANSPORTATION, AND**
 37 **SUBSISTENCE**

38 **SUBCHAPTER I—TRAVEL AND SUBSISTENCE**
 39 **EXPENSES; MILEAGE ALLOWANCES**

Sec.

5701. Definitions.

5702. Per diem; employees traveling on official business.

Sec.

- 5703. Per diem, travel, and transportation expenses; experts and consultants; individuals serving without pay.
- 5704. Mileage and related allowances.
- 5705. Advancements and deductions.
- 5706. Allowable travel expenses.
- 5707. Regulations.
- 5708. Effect on other statutes.

1 SUBCHAPTER II—TRAVEL AND TRANSPORTATION EX- 2 PENSES; NEW APPOINTEES, STUDENT TRAINEES, AND 3 TRANSFERRED EMPLOYEES

5721. Definitions.

5722. Travel and transportation expenses of new appointees; posts of duty outside the continental United States.

5723. Travel and transportation expenses of new appointees and student trainees; manpower shortage positions.

5724. Travel and transportation expenses of employees transferred; advancement of funds; reimbursement on commuted basis.

5725. Transportation expenses; employees assigned to danger areas.

5726. Storage expenses; household goods and personal effects.

5727. Transportation of motor vehicles.

5728. Travel and transportation expenses; vacation leave.

5729. Transportation expenses; prior return of family.

5730. Funds available.

5731. Expenses limited to lowest first-class rate.

5732. General average contribution; payment or reimbursement.

4 SUBCHAPTER III—TRANSPORTATION OF REMAINS, 5 DEPENDENTS, AND EFFECTS

Sec.

5741. General prohibition.

5742. Transportation of remains, dependents, and effects; death occurring away from official station or abroad.

6 SUBCHAPTER I—TRAVEL AND SUBSISTENCE 7 EXPENSES; MILEAGE ALLOWANCES

8 § 5701. Definitions

9 For the purpose of this subchapter—

10 (1) “agency” means—

11 (A) an Executive agency;

12 (B) a military department;

13 (C) an office, agency, or other establishment in the legisla-
14 tive branch;

15 (D) an office, agency, or other establishment in the judicial
16 branch; and

17 (E) the government of the District of Columbia;

18 but does not include—

19 (i) a Government controlled corporation;

20 (ii) a Member of Congress; or

21 (iii) an office or committee of a House of Congress;

22 (2) “employee” means an individual employed in or under an
23 agency;

1 (3) "subsistence" means lodging, meals, and other necessary
2 expenses for the personal sustenance and comfort of the traveler;

3 (4) "per diem allowance" means a daily flat rate payment in-
4 stead of actual expenses including actual expenses for subsistence
5 and fees or tips to porters and stewards;

6 (5) "Government" means the Government of the United States
7 and the government of the District of Columbia; and

8 (6) "continental United States" means the several States and
9 the District of Columbia, but does not include Alaska or Hawaii.

10 **§ 5702. Per diem; employees traveling on official business**

11 (a) An employee, while traveling on official business away from
12 his designated post of duty, is entitled to a per diem allowance pre-
13 scribed by the agency concerned. For travel inside the continental
14 United States, the per diem allowance may not exceed the rate of \$16.
15 For travel outside the continental United States, the per diem allow-
16 ance may not exceed the rate established by the President or his desig-
17 nee, who may be the Director of the Bureau of the Budget or another
18 officer of the Government of the United States, for the locality where
19 the travel is performed.

20 (b) An employee who, while traveling on official business away
21 from his designated post of duty, becomes incapacitated by illness
22 or injury not due to his own misconduct is entitled to the per diem
23 allowances, and transportation expenses to his designated post of duty,
24 under regulations prescribed under section 5707 of this title.

25 (c) Under regulations prescribed under section 5707 of this title, the
26 head of the agency concerned may prescribe conditions under which an
27 employee may be reimbursed for the actual and necessary expenses of
28 the trip, not to exceed an amount named in the travel authorization,
29 when the maximum per diem allowance would be much less than these
30 expenses due to the unusual circumstances of the travel assignment.
31 The amount named in the travel authorization may not exceed—

32 (1) \$30 for each day in a travel status inside the continental
33 United States; or

34 (2) the maximum per diem allowance plus \$10 for each day in a
35 travel status outside the continental United States.

36 (d) This section does not apply to a justice or judge covered by sec-
37 tion 456 of title 28.

38 **§ 5703. Per diem, travel, and transportation expenses; experts and**
39 **consultants; individuals serving without pay**

40 (a) For the purpose of this section, "appropriation" includes funds
41 made available by statute under section 849 of title 31.

(b) An individual employed intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis may be allowed travel expenses under this subchapter while away from his home or regular place of business, including a per diem allowance under this subchapter while at his place of employment.

(c) An individual serving without pay or at \$1 a year may be allowed transportation expenses and a per diem allowance under this subchapter while en route and at his place of service or employment away from his home or regular place of business. Unless a higher rate is named in an appropriation or other statute, the per diem allowance may not exceed—

(1) the rate of \$16 for travel inside the continental United States; and

(2) the rates established under section 5702(a) of this title for travel outside the continental United States.

(d) Under regulations prescribed under section 5707 of this title, the head of the agency concerned may prescribe conditions under which an individual to whom this section applies may be reimbursed for the actual and necessary expenses of the trip, not to exceed an amount named in the travel authorization, when the maximum per diem allowance would be much less than these expenses due to the unusual circumstances of the travel assignment. The amount named in the travel authorization may not exceed—

(1) \$30 for each day in a travel status inside the continental United States; or

(2) the maximum per diem allowance plus \$10 for each day in a travel status outside the continental United States.

§ 5704. Mileage and related allowances

(a) Under regulations prescribed under section 5707 of this title, an employee or other individual performing service for the Government, who is engaged on official business inside or outside his designated post of duty or place of service, is entitled to not in excess of—

(1) 8 cents a mile for the use of a privately owned motorcycle; or

(2) 12 cents a mile for the use of a privately owned automobile or airplane;

instead of the actual expenses of transportation when that mode of transportation is authorized or approved as more advantageous to the Government. A determination of advantage is not required when

1 payment on a mileage basis is limited to the cost of travel by common
2 carrier including per diem.

3 (b) In addition to the mileage allowance under subsection (a) of
4 this section, the employee or other individual performing service for
5 the Government may be reimbursed for—

- 6 (1) parking fees;
- 7 (2) ferry fares; and
- 8 (3) bridge, road, and tunnel tolls.

9 **§ 5705. Advancements and deductions**

10 An agency may advance, through the proper disbursing official, to
11 an employee or individual entitled to per diem or mileage allowances
12 under this subchapter, a sum considered advisable with regard to
13 the character and probable duration of the travel to be performed. A
14 sum advanced and not used for allowable travel expenses is recoverable
15 from the employee or individual or his estate by—

- 16 (1) setoff against accrued pay, retirement credit, or other
17 amount due the employee or individual;
- 18 (2) deduction from an amount due from the United States;
19 and
- 20 (3) such other method as is provided by law.

21 **§ 5706. Allowable travel expenses**

22 Except as otherwise permitted by this subchapter or by statutes re-
23 lating to members of the uniformed services, only actual and necessary
24 travel expenses may be allowed to an individual holding employ-
25 ment or appointment under the United States.

26 **§ 5707. Regulations**

27 The Director of the Bureau of the Budget shall prescribe regulations
28 necessary for the administration of this subchapter. The fixing, pay-
29 ment, advancement, and recovery of travel allowances, and the reim-
30 bursement of travel expenses, under this subchapter shall be in ac-
31 cordance with the regulations.

32 **§ 5708. Effect on other statutes**

33 This subchapter does not modify or repeal—

- 34 (1) any statute providing for the traveling expenses of the
35 President;
- 36 (2) any statute providing for mileage allowances for Members
37 of Congress;
- 38 (3) any statute fixing or permitting rates higher than the
39 maximum rates established under this subchapter; or
- 40 (4) any appropriation statute item for examination of esti-
41 mates in the field.

SUBCHAPTER II—TRAVEL AND TRANSPORTATION EXPENSES; NEW APPOINTEES, STUDENT TRAINEES, AND TRANSFERRED EMPLOYEES

§ 5721. Definitions

For the purpose of this subchapter—

(1) “agency” means—

(A) an Executive agency;

(B) a military department;

(C) a court of the United States;

(D) the Administrative Office of the United States Courts;

(E) the Library of Congress;

(F) the Botanic Garden;

(G) the Government Printing Office; and

(H) the government of the District of Columbia;

but does not include a Government controlled corporation;

(2) “employee” means an individual employed in or under an agency;

(3) “continental United States” means the several States and the District of Columbia, but does not include Alaska or Hawaii;

(4) “Government” means the Government of the United States and the government of the District of Columbia; and

(5) “appropriation” includes funds made available by statute under section 849 of title 31.

§ 5722. Travel and transportation expenses of new appointees; posts of duty outside the continental United States

(a) Under such regulations as the President may prescribe and subject to subsections (b) and (c) of this section, an agency may pay from its appropriations—

(1) travel expenses of a new appointee and transportation expenses of his immediate family and his household goods and personal effects from the place of actual residence at the time of appointment to the place of employment outside the continental United States; and

(2) these expenses on the return of an employee from his post of duty outside the continental United States to the place of his actual residence at the time of assignment to duty outside the United States.

(b) An agency may pay expenses under subsection (a) (1) of this section only after the individual selected for appointment agrees in writing to remain in the Government service for a minimum period of—

1 (1) one school year as determined under chapter 25 of title
2 20, if selected for appointment to a teaching position, except
3 as a substitute, in the Department of Defense under that chapter;
4 or

5 (2) 12 months after his appointment, if selected for appoint-
6 ment to any other position;

7 unless separated for reasons beyond his control which are acceptable
8 to the agency concerned. If the individual violates the agreement,
9 the money spent by the United States for the expenses is recoverable
10 from the individual as a debt due the United States.

11 (c) An agency may pay expenses under subsection (a) (2) of this
12 section only after the individual has served for a minimum period
13 of—

14 (1) one school year as determined under chapter 25 of title
15 20, if employed in a teaching position, except as a substitute, in
16 the Department of Defense under that chapter; or

17 (2) not less than one nor more than 3 years prescribed in
18 advance by the head of the agency, if employed in any other
19 position;

20 unless separated for reasons beyond his control which are acceptable
21 to the agency concerned. These expenses are payable whether the
22 separation is for Government purposes or for personal convenience.

23 (d) This section does not apply to appropriations for the Foreign
24 Service, Department of State.

25 **§ 5723. Travel and transportation expenses of new appointees and**
26 **student trainees; manpower shortage positions**

27 (a) Under such regulations as the President may prescribe and
28 subject to subsections (b) and (c) of this section, an agency may pay
29 from its appropriations—

30 (1) travel expenses of a new appointee, or a student trainee
31 when assigned on completion of college work, to a position in the
32 United States for which the Civil Service Commission determines
33 there is a manpower shortage; and

34 (2) transportation expenses of his immediate family and his
35 household goods and personal effects;

36 from his place of residence at the time of selection or assignment to his
37 duty station. If the travel and transportation expenses of a student
38 trainee were paid when he was appointed, they may not be paid when
39 he is assigned after completion of college work. Travel expenses pay-
40 able under this subsection may include the per diem and mileage allow-
41 ances authorized for employees by subchapter I of this chapter. Ad-

vances of funds may be made for the expenses authorized by this subsection in accordance with section 5724(f).

(b) An agency may pay travel and transportation expenses under subsection (a) of this section only after the individual selected or assigned agrees in writing to remain in the Government service for 12 months after his appointment or assignment, unless separated for reasons beyond his control which are acceptable to the agency concerned. If the individual violates the agreement, the money spent by the United States for the expenses is recoverable from the individual as a debt due the United States.

(c) An agency may pay travel and transportation expenses under subsection (a) of this section whether or not the individual selected has been appointed at the time of the travel.

(d) The Commission may not delegate its authority to determine positions for which there is a manpower shortage for the purpose of this section.

(e) This section does not impair or otherwise affect the authority of an agency under existing statute to pay travel and transportation expenses of individuals named by subsection (a) of this section.

§ 5724. Travel and transportation expenses of employees transferred; advancement of funds; reimbursement on commuted basis

(a) Under such regulations as the President may prescribe and when the head of the agency concerned or his designee authorizes or approves, the agency shall pay from Government funds—

(1) the travel expenses of an employee transferred in the interest of the Government from one official station or agency to another for permanent duty, and the transportation expenses of his immediate family, or a commutation thereof under section 5704 of this title; and

(2) the expenses of transporting, packing, crating, temporarily storing, draying, and unpacking his household goods and personal effects not in excess of 7,000 pounds net weight.

(b) Under such regulations as the President may prescribe, an employee who transports a house trailer or mobile dwelling inside the continental United States, inside Alaska, or between the continental United States and Alaska, for use as a residence, and who otherwise would be entitled to transportation of household goods and personal effects under subsection (a) of this section, is entitled, instead of that transportation, to—

1 (1) a reasonable allowance not in excess of 20 cents a mile for
2 transportation of the house trailer or mobile dwelling, if the
3 trailer or dwelling is transported by the employee; or

4 (2) commercial transportation of the house trailer or mobile
5 dwelling, at Government expense, or reimbursement to the em-
6 ployee therefor, including the payment of necessary tolls, charges,
7 and permit fees, if the trailer or dwelling is not transported by the
8 employee.

9 However, payment under this subsection may not exceed the maxi-
10 mum payment to which the employee otherwise would be entitled under
11 subsection (a) of this section for transportation and temporary stor-
12 age of his household goods and personal effects in connection with
13 this transfer.

14 (c) Under such regulations as the President may prescribe, an
15 employee who transfers between points inside the continental United
16 States, instead of being paid for the actual expenses of transporting,
17 packing, crating, temporarily storing, draying, and unpacking of
18 household goods and personal effects, shall be reimbursed on a com-
19 muted basis at the rates per 100 pounds that are fixed by zones in
20 the regulations. The reimbursement may not exceed the amount
21 which would be allowable for the authorized weight allowance.

22 (d) When an employee transfers to a post of duty outside the
23 continental United States, his expenses of travel and transportation
24 to and from the post shall be allowed to the same extent and with
25 the same limitations prescribed for a new appointee under section
26 5722 of this title.

27 (e) When an employee transfers from one agency to another, the
28 agency to which he transfers pays the expenses authorized by this
29 section.

30 (f) An advance of funds may be made to an employee under the
31 regulations of the President with the same safeguards required under
32 section 5705 of this title.

33 (g) The allowances authorized by this section do not apply to an
34 employee transferred under chapter 14 of title 22.

35 (h) When a transfer is made primarily for the convenience or
36 benefit of an employee, including an employee in the Foreign Service,
37 Department of State, or at his request, his expenses of travel and
38 transportation and the expenses of transporting, packing, crating,
39 temporarily storing, draying, and unpacking of household goods and
40 personal effects may not be allowed or paid from Government funds.

§ 5725. Transportation expenses; employees assigned to danger areas

(a) When an employee of the United States is on duty, or is transferred or assigned to duty, at a place designated by the head of the agency concerned as inside a zone—

(1) from which his immediate family should be evacuated; or

(2) to which they are not permitted to accompany him;

because of military or other reasons which create imminent danger to life or property, or adverse living conditions which seriously affect the health, safety, or accommodations of the immediate family, Government funds may be used to transport his immediate family and household goods and personal effects, under regulations prescribed by the head of the agency, to a location designated by the employee. When circumstances prevent the employee from designating a location, or it is administratively impracticable to determine his intent, the immediate family may designate the location. When the designated location is inside a zone to which movement of families is prohibited under this subsection, the employee or his immediate family may designate an alternate location.

(b) When the employee is assigned to a duty station from which his immediate family is not excluded by the restrictions in subsection (a) of this section, Government funds may be used to transport his immediate family and household goods and personal effects from the designated or alternate location to the duty station.

§ 5726. Storage expenses; household goods and personal effects

(a) For the purpose of this section, "household goods and personal effects" means such personal property of an employee and his dependents as the President may by regulation authorize to be transported or stored, including, in emergencies, motor vehicles authorized to be shipped at Government expense.

(b) Under such regulations as the President may prescribe, an employee, including a new appointee under section 5722 of this title, assigned to a permanent duty station outside the continental United States may be allowed storage expenses and related transportation and other expenses for his household goods and personal effects when—

(1) the duty station is one to which he cannot take or at which he is unable to use his household goods and personal effects; or

(2) the head of the agency concerned authorizes storage of the household goods and personal effects in the public interest or for reasons of economy.

1 The weight of the household goods and personal effects stored under
2 this subsection, together with the weight of property transported
3 under section 5724(a), may not exceed 7,000 pounds net weight,
4 excluding a motor vehicle described by subsection (a) of this section.

5 **§ 5727. Transportation of motor vehicles**

6 (a) Except as specifically authorized by statute, an authorization
7 in a statute or regulation to transport the effects of an employee or
8 other individual at Government expense is not an authorization to
9 transport an automobile.

10 (b) Under such regulations as the President may prescribe, the
11 privately owned motor vehicle of an employee, including a new ap-
12 pointee under section 5722 of this title, may be transported at Gov-
13 ernment expense to, from, and between the continental United States
14 and a post of duty outside the continental United States, or between
15 posts of duty outside the continental United States, when—

16 (1) the employee is assigned to the post of duty for other
17 than temporary duty; and

18 (2) the head of the agency concerned determines that it is
19 in the interest of the Government for the employee to have the
20 use of a motor vehicle at the post of duty.

21 (c) An employee may transport only one motor vehicle under sub-
22 section (b) of this section during a 4-year period, except when the
23 head of the agency concerned determines that replacement of the mo-
24 tor vehicle during the period is necessary for reasons beyond the con-
25 trol of the employee and is in the interest of the Government, and
26 authorizes in advance the transportation under subsection (b) of this
27 section of one additional privately owned motor vehicle as a replace-
28 ment. When an employee has remained in continuous service out-
29 side the United States during the 4-year period after the date of trans-
30 portation under subsection (b) of this section of his motor vehicle,
31 the head of the agency concerned may authorize transportation under
32 subsection (b) of this section of a replacement for that motor vehicle.

33 (d) When the head of an agency authorizes transportation under
34 subsection (b) of this section of a privately owned motor vehicle, the
35 transportation may be by—

36 (1) commercial means, if available at reasonable rates and
37 under reasonable conditions; or

38 (2) Government means on a space-available basis.

39 (e) (1) This section, except subsection (a), does not apply to—

40 (A) the Foreign Service, Department of State; or

41 (B) the Central Intelligence Agency.

(2) This section, except subsection (a), does not affect—

(A) section 1138 of title 22; or

(B) section 403e(4) of title 50.

§ 5728. Travel and transportation expenses; vacation leave

(a) Under such regulations as the President may prescribe, an agency shall pay from its appropriations the expenses of the round-trip travel of an employee, and the transportation of his immediate family, but not household goods, from his post of duty outside the continental United States to the place of his actual residence at the time of appointment or transfer to the post of duty, after he has satisfactorily completed an agreement period of service outside the continental United States and is returning to his actual place of residence to take leave before serving another tour of duty at the same or another post of duty outside the continental United States under a new written agreement made before departing from the post of duty.

(b) Under such regulations as the President may prescribe, an agency shall pay from its appropriations the expenses of the round-trip travel of an employee of the United States appointed by the President, by and with the advice and consent of the Senate, for a term fixed by statute, and of transportation of his immediate family, but not household goods, from his post of duty outside the continental United States to the place of his actual residence at the time of appointment to the post of duty, after he has satisfactorily completed 2 years of service outside the continental United States and is returning to his actual place of residence to take leave before serving at least 2 more years of duty outside the continental United States.

(c) This section does not apply to appropriations for the Foreign Service, Department of State.

§ 5729. Transportation expenses; prior return of family

(a) Under such regulations as the President may prescribe, an agency shall pay from its appropriations, not more than once before the return to the United States or its territories or possessions of an employee whose post of duty is outside the continental United States, to pay the expenses of transporting his immediate family and of shipping his household goods and personal effects from his post of duty to his actual place of residence when—

(1) he has acquired eligibility for that transportation; or

(2) the public interest requires the return of the immediate family for compelling personal reasons of a humanitarian or compassionate nature, such as may involve physical or mental health, death of a member of the immediate family, or obligation im-

1 posed by authority or circumstances over which the individual
2 has no control.

3 (b) Under such regulations as the President may prescribe, an
4 agency shall reimburse from its appropriations an employee whose
5 post of duty is outside the continental United States for the proper
6 transportation expenses of returning his immediate family and his
7 household goods and personal effects to the United States or its terri-
8 tories or possessions, when—

9 (1) their return was made at the expense of the employee be-
10 fore his return and for other than reasons of public interest; and

11 (2) he acquires eligibility for those transportation expenses.

12 (c) This section does not apply to appropriations for the Foreign
13 Service, Department of State.

14 **§ 5730. Funds available**

15 Funds available for travel expenses of an employee are available
16 for expenses of transportation of his immediate family, and funds
17 available for transportation of things are available for transportation
18 of household goods and personal effects, as authorized by this sub-
19 chapter.

20 **§ 5731. Expenses limited to lowest first-class rate**

21 (a) The allowance for actual expenses for transportation may not
22 exceed the lowest first-class rate by the transportation facility used
23 unless it is certified, in accordance with regulations prescribed by the
24 President, that—

25 (1) lowest first-class accommodations are not available; or

26 (2) use of a compartment or other accommodation authorized
27 or approved by the head of the agency concerned or his designee
28 is required for security purposes.

29 (b) Instead of the maximum fixed by subsection (a) of this sec-
30 tion, the allowance to an employee of the United States for actual
31 expenses for transportation on an inter-island steamship in Hawaii
32 may not exceed the rate for accommodations on the steamship that is
33 equivalent as nearly as possible to the rate for the lowest first-class ac-
34 commodations on trans-pacific steamships.

35 **§ 5732. General average contribution; payment or reimbursement**

36 Under such regulations as the President may prescribe, appropria-
37 tions chargeable for the transportation of baggage and household
38 goods and personal effects of employees of the United States, volun-
39 teers as defined by section 8142(a) of this title, and members of the
40 uniformed services are available for the payment or reimbursement
41 of general average contributions required. Appropriations are not

1 available for the payment or reimbursement of general average
2 contributions—

3 (1) required in connection with and applicable to quantities of
4 baggage and household goods and personal effects in excess of
5 quantities authorized by statute or regulation to be transported;

6 (2) when the individual concerned is allowed under statute
7 or regulation a commutation instead of actual transportation
8 expenses; or

9 (3) when the individual concerned selected the means of ship-
10 ment.

11 SUBCHAPTER III—TRANSPORTATION OF REMAINS, 12 DEPENDENTS, AND EFFECTS

13 § 5741. General prohibition

14 Except as specifically authorized by statute, the head of an Execu-
15 tive department or military department may not authorize an ex-
16 penditure in connection with the transportation of remains of a
17 deceased employee.

18 § 5742. Transportation of remains, dependents, and effects; death 19 occurring away from official station or abroad

20 (a) For the purpose of this section, “agency” means—

21 (1) an Executive agency;

22 (2) a military department;

23 (3) an agency in the legislative branch; and

24 (4) an agency in the judicial branch.

25 (b) When an employee dies, the head of the agency concerned,
26 under regulations prescribed by the President and from appropria-
27 tions available for the activity in which the employee was engaged,
28 may pay—

29 (1) the expense of preparing and transporting the remains to
30 the home or official station of the employee, or such other place
31 appropriate for interment as is determined by the head of the
32 agency concerned, if death occurred while the employee was in a
33 travel status away from his official station in the United States
34 or while performing official duties outside the United States or in
35 transit thereto or therefrom; and

36 (2) the expense of transporting his dependents, including
37 expenses of packing, crating, draying, and transporting house-
38 hold effects and other personal property to his former home or
39 such other place as is determined by the head of the agency
40 concerned, if death occurred while the employee was performing

1 official duties outside the United States or in transit thereto or
2 therefrom.

3 (c) When a dependent of an employee dies while residing with the
4 employee performing official duties outside the continental United
5 States or in Alaska or in transit thereto or therefrom, the head of the
6 agency concerned may pay the necessary expenses of transporting the
7 remains to the home of the dependent, or such other place appropriate
8 for interment as is determined by the head of the agency concerned.
9 If practicable, the agency concerned in respect of the deceased may
10 furnish mortuary services and supplies on a reimbursable basis when—

11 (1) local commercial mortuary facilities and supplies are not
12 available; or

13 (2) the cost of available mortuary facilities and supplies are
14 prohibitive in the opinion of the head of the agency.

15 Reimbursement for the cost of mortuary services and supplies fur-
16 nished under this subsection shall be collected and credited to current
17 appropriations available for the payment of these costs.

18 (d) The benefits of this section may not be denied because the
19 deceased was temporarily absent from duty when death occurred.

20 CHAPTER 59—ALLOWANCES

21 SUBCHAPTER I—UNIFORMS

Sec.

5901. Uniform allowances.

22 SUBCHAPTER II—QUARTERS

Sec.

5911. Quarters and facilities; employees in the United States.

5912. Quarters in Government owned or rented buildings; employees in foreign
countries.

5913. Official residence expenses.

23 SUBCHAPTER III—OVERSEAS DIFFERENTIALS AND 24 ALLOWANCES

Sec.

5921. Definitions.

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5923. Quarters allowances.

5924. Cost-of-living allowances.

5925. Post differentials.

25 SUBCHAPTER IV—MISCELLANEOUS ALLOWANCES

Sec.

5941. Allowances based on living costs and conditions of environment; employees
stationed outside continental United States or in Alaska.

5942. Allowance based on duty on California offshore islands.

5943. Foreign currency appreciation allowances.

5944. Illness and burial expenses; native employees in foreign countries.

5945. Notary public commission expenses.

5946. Membership fees; expenses of attendance at meetings; limitations.

SUBCHAPTER I—UNIFORMS

§ 5901. Uniform allowances

(a) There is authorized to be appropriated annually to each agency of the Government of the United States, including a Government owned corporation, and of the government of the District of Columbia, on a showing of necessity or desirability, an amount not to exceed \$100 multiplied by the number of employees of the agency who are required by regulation or statute to wear a prescribed uniform in the performance of official duties and who are not being furnished with the uniform. The head of the agency concerned, out of funds made available by the appropriation, shall—

(1) furnish to each of these employees a uniform at a cost not to exceed \$100 a year; or

(2) pay to each of these employees an allowance for a uniform not to exceed \$100 a year.

The allowance may be paid only at the times and in the amounts authorized by the regulations prescribed under subsection (d) of this section.

(b) When the furnishing of a uniform or the payment of a uniform allowance is authorized under another statute or regulation existing on September 1, 1954, the head of the agency concerned may continue the furnishing of the uniform or the payment of the uniform allowance under that statute or regulation, but in that event a uniform may not be furnished or allowance paid under this section.

(c) An allowance paid under this section is not wages within the meaning of section 409 of title 42 or chapters 21 and 24 of title 26.

(d) The Director of the Bureau of the Budget shall prescribe regulations necessary for the uniform administration of this section.

SUBCHAPTER II—QUARTERS

§ 5911. Quarters and facilities; employees in the United States

(a) For the purpose of this section—

(1) "Government" means the Government of the United States;

(2) "agency" means an Executive agency, but does not include the Tennessee Valley Authority;

(3) "employee" means an employee of an agency;

(4) "United States" means the several States, the District of Columbia, and the territories and possessions of the United States including the Commonwealth of Puerto Rico;

1 (5) "quarters" means quarters owned or leased by the Govern-
2 ment; and

3 (6) "facilities" means household furniture and equipment, ga-
4 rage space, utilities, subsistence, and laundry service.

5 (b) The head of an agency may provide, directly or by contract, an
6 employee stationed in the United States with quarters and facilities,
7 when conditions of employment or of availability of quarters warrant
8 the action.

9 (c) Rental rates for quarters provided for an employee under sub-
10 section (b) of this section or occupied on a rental basis by an em-
11 ployee or member of a uniformed service under any other provision
12 of statute, and charges for facilities made available in connection with
13 the occupancy of the quarters, shall be based on the reasonable value
14 of the quarters and facilities to the employee or member concerned,
15 in the circumstances under which the quarters and facilities are pro-
16 vided, occupied, or made available. The amounts of the rates and
17 charges shall be paid by, or deducted from the pay of, the employee
18 or member of a uniformed service, or otherwise charged against him
19 in accordance with law. The amounts of payroll deductions for the
20 rates and charges shall remain in the applicable appropriation or
21 fund. When payment of the rates and charges is made by other than
22 payroll deductions, the amounts of payment shall be credited to the
23 Government as provided by law.

24 (d) When, as an incidental service in support of a program of the
25 Government, quarters and facilities are provided by appropriate au-
26 thority of the Government to an individual other than an employee
27 or member of a uniformed service, the rates and charges therefor shall
28 be determined in accordance with this section. The amounts of pay-
29 ment of the rates and charges shall be credited to the Government as
30 provided by law.

31 (e) The head of an agency may not require an employee or member
32 of a uniformed service to occupy quarters on a rental basis, unless the
33 agency head determines that necessary service cannot be rendered,
34 or that property of the Government cannot adequately be protected,
35 otherwise.

36 (f) The President may prescribe regulations governing the provi-
37 sion, occupancy, and availability of quarters and facilities, the determi-
38 nation of rates and charges therefor, and other related matters, neces-
39 sary and appropriate to carry out this section. The head of each
40 agency may prescribe regulations, not inconsistent with the regula-

tions of the President, necessary and appropriate to carry out the functions of the agency head under this section.

(g) Subsection (c) of this section does not repeal or modify any provision of statute authorizing the provision of quarters or facilities, either without charge or at rates or charges specifically fixed by statute.

§ 5912. Quarters in Government owned or rented buildings; employees in foreign countries

Under regulations prescribed by the head of the agency concerned and approved by the President, an employee who is a citizen of the United States permanently stationed in a foreign country may be furnished, without cost to him, living quarters, including heat, fuel, and light, in a Government owned or rented building. The rented quarters may be furnished only within the limits of appropriations made therefor.

§ 5913. Official residence expenses

(a) For the purpose of this section, "agency" has the meaning given it by section 5721 of this title.

(b) Under such regulations as the President may prescribe, funds available to an agency for administrative expenses may be allotted to posts in foreign countries to defray the unusual expenses incident to the operation and maintenance of official residences suitable for—

(1) the chief representatives of the United States at the posts; and

(2) such other senior officials of the Government of the United States as the President may designate.

SUBCHAPTER III—OVERSEAS DIFFERENTIALS AND ALLOWANCES

§ 5921. Definitions.

For the purpose of this subchapter—

(1) "Government" means the Government of the United States;

(2) "agency" means an Executive agency and the Library of Congress, but does not include a Government controlled corporation;

(3) "employee" means an employee in or under an agency and more specifically defined by regulations prescribed by the President;

(4) "United States", when used in a geographical sense, means the several States and the District of Columbia;

(5) "continental United States" means the several States and

1 the District of Columbia, but does not include Alaska or Hawaii;
2 and

3 (6) "foreign area" means—

4 (A) the Trust Territory of the Pacific Islands; and

5 (B) any other area outside the United States, the Com-
6 monwealth of Puerto Rico, the Canal Zone, and other ter-
7 ritories and possessions of the United States.

8 **§ 5922. General provisions**

9 (a) Notwithstanding section 5536 of this title and except as other-
10 wise provided by this subchapter, the allowances and differentials
11 authorized by this subchapter may be granted to an employee officially
12 stationed in a foreign area—

13 (1) who is a citizen of the United States; and

14 (2) whose rate of basic pay is fixed by statute or, without
15 taking into consideration the allowances and differentials pro-
16 vided by this subchapter, is fixed by administrative action pursu-
17 ant to law or is fixed administratively in conformity with rates
18 paid by the Government for work of a comparable level of
19 difficulty and responsibility in the continental United States.

20 To the extent authorized by a provision of statute other than this
21 subchapter, the allowances and differentials provided by this sub-
22 chapter may be paid to an employee officially stationed in a foreign
23 area who is not a citizen of the United States.

24 (b) Allowances granted under this subchapter may be paid in
25 advance, or advance of funds may be made therefor, through the
26 proper disbursing official in such sums as are considered advisable in
27 consideration of the need and the period of time during which expendi-
28 tures must be made in advance by the employee. An advance of funds
29 not subsequently covered by allowances accrued to the employee under
30 this subchapter is recoverable by the Government by—

31 (1) setoff against accrued pay, compensation, amount of retire-
32 ment credit, or other amount due the employee from the Govern-
33 ment; and

34 (2) such other method as is provided by law for the recovery
35 of amounts owing to the Government.

36 The head of the agency concerned, under regulations of the Presi-
37 dent, may waive in whole or in part a right of recovery under
38 this subsection, if it is shown that the recovery would be against
39 equity and good conscience or against the public interest.

(c) The allowances and differentials authorized by this subchapter shall be paid under regulations prescribed by the President governing—

(1) payments of the allowances and differentials and the respective rates at which the payments are made;

(2) the foreign areas, the groups of positions, and the categories of employees to which the rates apply; and

(3) other related matters.

§ 5923. Quarters allowances

When Government owned or rented quarters are not provided without charge for an employee in a foreign area, one or more of the following quarters allowances may be granted when applicable:

(1) A temporary lodging allowance for the reasonable cost of temporary quarters incurred by the employee and his family—

(A) for a period not in excess of 3 months after first arrival at a new post of assignment in a foreign area or a period ending with the occupation of residence quarters, whichever is shorter; and

(B) for a period of not more than 1 month immediately before final departure from the post after the necessary evacuation of residence quarters.

(2) A living quarters allowance for rent, heat, light, fuel, gas, electricity, and water, without regard to section 529 of title 31.

(3) Under unusual circumstances, payment or reimbursement for extraordinary, necessary, and reasonable expenses, not otherwise compensated for, incurred in initial repairs, alterations, and improvements to the privately leased residence of an employee at a post of assignment in a foreign area, if—

(A) the expenses are administratively approved in advance; and

(B) the duration and terms of the lease justify payment of the expenses by the Government.

§ 5924. Cost-of-living allowances

The following cost-of-living allowances may be granted, when applicable, to an employee in a foreign area:

(1) A post allowance to offset the difference between the cost of living at the post of assignment of the employee in a foreign area and the cost of living in the District of Columbia.

(2) A transfer allowance for extraordinary, necessary, and reasonable expenses, not otherwise compensated for, incurred by

1 an employee incident to establishing himself at a post of assign-
2 ment in—

3 (A) a foreign area; or

4 (B) the United States between assignments to posts in
5 foreign areas.

6 (3) A separate maintenance allowance to assist an employee
7 who is compelled, because of dangerous, notably unhealthful, or
8 excessively adverse living conditions at his post of assignment
9 in a foreign area, or for the convenience of the Government, to
10 meet the additional expense of maintaining, elsewhere than at the
11 post, his wife or his dependents, or both.

12 (4) An education allowance or payment of travel costs to as-
13 sist an employee with the extraordinary and necessary expenses,
14 not otherwise compensated for, incurred because of his service
15 in a foreign area or foreign areas in providing adequate educa-
16 tion for his dependents, as follows:

17 (A) An allowance not to exceed the cost of obtaining such
18 elementary and secondary educational services as are ordi-
19 narily provided without charge by the public schools in the
20 United States, plus, in those cases when adequate schools are
21 not available at the post of the employee, board and room, and
22 periodic transportation between that post and the nearest
23 locality where adequate schools are available, without regard
24 to section 529 of title 31. The amount of the allowance
25 granted shall be determined on the basis of the educational
26 facility used.

27 (B) The travel expenses of dependents of an employee to
28 and from a school in the United States to obtain an American
29 secondary or undergraduate college education, not to exceed
30 one trip each way for each dependent for the purpose of
31 obtaining each type of education. An allowance payment
32 under subparagraph (A) of this paragraph (4) may not be
33 made for a dependent during the 12 months following his ar-
34 rival in the United States for secondary education under au-
35 thority contained in this subparagraph (B). Notwithstand-
36 ing section 5921(6) of this title, travel expenses, for the
37 purpose of obtaining undergraduate college education, may
38 be authorized under this subparagraph (B), under such regu-
39 lations as the President may prescribe, for dependents of
40 employees who are citizens of the United States stationed in
41 the Canal Zone.

1 **§ 5925. Post differentials**

2 A post differential may be granted on the basis of conditions of en-
3 vironment which differ substantially from conditions of environment
4 in the continental United States and warrant additional pay as a
5 recruitment and retention incentive. A post differential may be
6 granted to an employee officially stationed in the United States who
7 is on extended detail in a foreign area. A post differential may not
8 exceed 25 percent of the rate of basic pay.

9 **SUBCHAPTER IV—MISCELLANEOUS ALLOWANCES**

10 **§ 5941. Allowances based on living costs and conditions of en-**
11 **vironment; employees stationed outside continental**
12 **United States or in Alaska**

13 (a) Appropriations or funds available to an Executive agency,
14 except a Government controlled corporation, for pay of employees
15 stationed outside the continental United States or in Alaska whose
16 rates of basic pay are fixed by statute, are available for allowances to
17 these employees. The allowance is based on—

18 (1) living costs substantially higher than in the District of
19 Columbia;

20 (2) conditions of environment which differ substantially from
21 conditions of environment in the continental United States and
22 warrant an allowance as a recruitment incentive; or

23 (3) both of these factors.

24 The allowance may not exceed 25 percent of the rate of basic pay.
25 Except as otherwise specifically authorized by statute, the allowance
26 is paid only in accordance with regulations prescribed by the Presi-
27 dent establishing the rates and defining the area, groups of positions,
28 and classes of employees to which each rate applies.

29 (b) An employee entitled to a cost-of-living allowance under section
30 5924 of this title may not be paid an allowance under subsection (a)
31 of this section based on living costs substantially higher than in the
32 District of Columbia.

33 **§ 5942. Allowance based on duty on California offshore islands**

34 Notwithstanding section 5536 of this title, an employee who is as-
35 signed to duty, except temporary duty, on one of the California off-
36 shore islands is entitled, in addition to pay otherwise due him, to an
37 allowance of not to exceed \$10 a day. However, the allowance shall
38 be paid under regulations prescribed by the President establishing
39 the rates at which the allowance will be paid, and defining the areas
40 and groups of positions to which the rates apply.

1 **§ 5943. Foreign currency appreciation allowances**

2 (a) The President, under such regulations as he may prescribe and
3 on recommendation of the Director of the Bureau of the Budget, may
4 meet losses sustained by employees and members of the uniformed
5 services while serving in a foreign country due to the appreciation of
6 foreign currency in its relation to the American dollar. Allowances
7 and expenditures under this section are not subject to income taxes.

8 (b) Annual appropriations are authorized to carry out subsection
9 (a) of this section and to cover any deficiency in the accounts of the
10 Secretary of the Treasury, including interest, arising out of the ar-
11 rangement approved by the President on July 27, 1933, for the con-
12 version into foreign currency of checks and drafts of employees and
13 members of the uniformed services for pay and expenses.

14 (c) Payment under subsection (a) of this section may not be made
15 to an employee or member of a uniformed service for a period during
16 which his check or draft was converted into foreign currency under
17 the arrangement referred to by subsection (b) of this section.

18 (d) The Director of the Bureau of the Budget shall report annually
19 to Congress all expenditures made under this section.

20 **§ 5944. Illness and burial expenses; native employees in foreign**
21 **countries**

22 (a) The head of an Executive department or military department
23 which maintains a permanent staff of employees in foreign countries
24 may pay the burial expenses and expenses in connection with the last
25 illness and death of a native employee of his department in a country
26 in which the Secretary of State determines it is customary for employ-
27 ers to pay these expenses. Payment of these expenses may not exceed
28 \$100 in any one case.

29 (b) The head of an Executive department or military department
30 which maintains a permanent staff of employees in foreign countries
31 in which the custom referred to by subsection (a) of this section does
32 not exist, on finding that the immediate family of the deceased is desti-
33 tute, may pay such of the expenses referred to by subsection (a) of this
34 section within the limitations in that subsection to the family, heirs
35 at law, or persons responsible for the debts of the deceased, as the em-
36 ployee in charge of the office abroad in which the deceased was em-
37 ployed considers proper.

38 (c) Payments under this section are made from appropriations
39 available to the department concerned for miscellaneous or contingent
40 expenses.

1 **§ 5945. Notary public commission expenses**

2 An employee as defined by section 2105 of this title or an individual
3 employed by the government of the District of Columbia who is re-
4 quired to serve as a notary public in connection with the performance
5 of official business is entitled to an allowance, established by the agency
6 concerned, not in excess of the expense required to obtain the commis-
7 sion. Funds available to an agency concerned for personal services
8 or general administrative expenses are available to carry out this
9 section.

10 **§ 5946. Membership fees; expenses of attendance at meetings;**
11 **limitations**

12 Except as authorized by a specific appropriation, by express terms
13 in a general appropriation, or by sections 4109 and 4110 of this title,
14 appropriated funds may not be used for payment of—

- 15 (1) membership fees or dues of an employee as defined by sec-
16 tion 2105 of this title or an individual employed by the govern-
17 ment of the District of Columbia in a society or association; or
18 (2) expenses of attendance of an individual at meetings or con-
19 ventions of members of a society or association.

20 This section does not prevent the use of appropriations for the Depart-
21 ment of Agriculture for expenses incident to the delivery of lectures,
22 the giving of instructions, or the acquiring of information at meetings
23 by its employees on subjects relating to the authorized work of the
24 Department.

25 **Subpart E—Attendance and Leave**

26 **CHAPTER 61—HOURS OF WORK**

Sec.

6101. Basic 40-hour workweek; work schedules; regulations.

6102. Eight-hour day; 40-hour workweek; wage-board employees.

6103. Holidays.

6104. Holidays; daily, hourly, and piece-work basis employees.

6105. Closing of Executive departments.

6106. Time clocks; restrictions.

27 **§ 6101. Basic 40-hour workweek; work schedules; regulations**

28 (a) The head of each Executive agency, military department, and
29 of the government of the District of Columbia shall—

- 30 (1) establish a basic administrative workweek of 40 hours for
31 each full-time employee in his organization; and
32 (2) require that the hours of work within that workweek be
33 performed within a period of not more than 6 of any 7 consecutive
34 days.

35 (b) Except when the head of an Executive agency, a military de-
36 partment, or of the government of the District of Columbia deter-

1 mines that his organization would be seriously handicapped in carry-
 2 ing out its functions or that costs would be substantially increased,
 3 he shall provide, with respect to each employee in his organization,
 4 that—

5 (1) assignments to tours of duty are scheduled in advance
 6 over periods of not less than 1 week;

7 (2) the basic 40-hour workweek is scheduled on 5 days, Monday
 8 through Friday when possible, and the 2 days outside the basic
 9 workweek are consecutive;

10 (3) the working hours in each day in the basic workweek are
 11 the same;

12 (4) the basic nonovertime workday may not exceed 8 hours;

13 (5) the occurrence of holidays may not affect the designation
 14 of the basic workweek; and

15 (6) breaks in working hours of more than 1 hour may not be
 16 scheduled in a basic workday.

17 (c) The Architect of the Capitol may apply this section to em-
 18 ployees under the Office of the Architect of the Capitol or the Botanic
 19 Garden. The Librarian of Congress may apply this section to em-
 20 ployees under the Library of Congress.

21 (d) For the purpose of this section, “employee” includes an indi-
 22 vidual employed by the government of the District of Columbia, but
 23 does not include an employee or individual excluded from the defini-
 24 tion of employee in section 5541 (2) of this title.

25 (e) The Civil Service Commission may prescribe regulations, sub-
 26 ject to the approval of the President, necessary for the administration
 27 of this section insofar as this section affects employees in or under the
 28 executive branch.

29 § 6102. Eight-hour day; 40-hour workweek; wage-board employees

30 The regular hours of work for an employee whose basic rate of pay
 31 is fixed and adjusted from time to time in accordance with prevailing
 32 rates by wage boards or similar administrative authority serving the
 33 same purpose are established at not more than 8 a day or 40 a week.
 34 However, work in excess of these hours is permitted when adminis-
 35 tratively determined to be in the public interest.

36 § 6103. Holidays

37 (a) The following are legal public holidays:

38 January 1, New Year’s Day.

39 February 22, Washington’s Birthday.

40 May 30, Memorial Day.

41 July 4, Independence Day.

1 The first Monday in September, Labor Day.

2 November 11, Veterans Day.

3 The fourth Thursday in November, Thanksgiving Day.

4 December 25, Christmas.

5 (b) For the purpose of statutes relating to pay and leave of em-
6 ployees, with respect to a legal public holiday and any other day de-
7 clared to be a holiday by Federal statute or Executive order, the fol-
8 lowing rules apply :

9 (1) Instead of a holiday that occurs on a Saturday, the Friday
10 immediately before is a legal public holiday for—

11 (A) employees whose basic workweek is Monday through
12 Friday; and

13 (B) the purpose of section 6309 of this title.

14 (2) Instead of a holiday that occurs on a regular weekly non-
15 workday of an employee whose basic workweek is other than
16 Monday through Friday, except the regular weekly nonworkday
17 administratively scheduled for the employee instead of Sunday,
18 the workday immediately before that regular weekly nonworkday
19 is a legal public holiday for the employee.

20 This section, except subparagraph (B) of paragraph (1), does not
21 apply to an employee whose basic workweek is Monday through
22 Saturday.

23 (c) January 20 of each fourth year after 1965, Inauguration Day,
24 is a legal public holiday for the purpose of statutes relating to pay and
25 leave of employees as defined by section 2105 of this title and individ-
26 uals employed by the government of the District of Columbia employed
27 in the District of Columbia, Montgomery and Prince Georges Counties
28 in Maryland, Arlington and Fairfax Counties in Virginia, and the
29 cities of Alexandria and Falls Church in Virginia. When January 20
30 of any fourth year after 1965 falls on Sunday, the next succeeding day
31 selected for the public observance of the inauguration of the President
32 is a legal public holiday for the purpose of this subsection.

33 **§ 6104. Holidays; daily, hourly, and piece-work basis employees**

34 When a regular employee as defined by section 2105 of this title or
35 an individual employed regularly by the government of the District of
36 Columbia, whose pay is fixed at a daily or hourly rate, or on a piece-
37 work basis, is relieved or prevented from working on a day—

38 (1) on which agencies are closed by Executive order, or, for
39 individuals employed by the government of the District of Co-
40 lumbia, by order of the Board of Commissioners;

41 (2) by administrative order under regulations issued by the

1 President, or, for individuals employed by the government of the
2 District of Columbia, by the Board of Commissioners; or

3 (3) solely because of the occurrence of a legal public holiday
4 under section 6103 of this title, or a day declared a holiday by
5 Federal statute, Executive order, or, for individuals employed
6 by the government of the District of Columbia, by order of the
7 Board of Commissioners;

8 he is entitled to the same pay for that day as for a day on which an
9 ordinary day's work is performed.

10 **§ 6105. Closing of Executive departments**

11 An Executive department may not be closed as a mark to the memory
12 of a deceased former official of the United States.

13 **§ 6106. Time clocks; restrictions**

14 A recording clock may not be used to record time of an employee
15 of an Executive department in the District of Columbia.

16 **CHAPTER 63—LEAVE**

17 **SUBCHAPTER I—ANNUAL AND SICK LEAVE**

Sec.

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6302. General provisions.

6303. Annual leave; accrual.

6304. Annual leave; accumulation.

6305. Home leave; foreign-service leave.

6306. Annual leave; refund of lump-sum payment; recredit of annual leave.

6307. Sick leave; accrual and accumulation.

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6309. Leave of absence; rural carriers.

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18 **SUBCHAPTER II—OTHER PAID LEAVE**

Sec.

6321. Absence of veterans to attend funeral services.

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19 **SUBCHAPTER I—ANNUAL AND SICK LEAVE**

20 **§ 6301. Definitions**

21 For the purpose of this subchapter—

22 (1) "United States", when used in a geographical sense, means
23 the several States and the District of Columbia; and

24 (2) "employee" means—

25 (A) an employee as defined by section 2105 of this title;
26 and

27 (B) an individual employed by the government of the
28 District of Columbia;

29 but does not include—

30 (i) a teacher or librarian of the public schools of the Dis-
31 trict of Columbia;

(ii) a part-time employee, except an hourly employee in the postal field service, who does not have an established regular tour of duty during the administrative workweek;

(iii) a temporary employee engaged in construction work at an hourly rate;

(iv) an employee of the Canal Zone Government or the Panama Canal Company when employed on the Isthmus of Panama;

(v) a physician, dentist, or nurse in the Department of Medicine and Surgery, Veterans' Administration;

(vi) an employee of the Senate or House of Representatives;

(vii) an employee of a corporation supervised by the Farm Credit Administration if private interests elect or appoint a member of the board of directors;

(viii) an alien employee who occupies a position outside the United States, except as provided by section 6310 of this title;

(ix) a "teacher" or an individual holding a "teaching position" as defined by section 901 of title 20;

(x) an officer in the executive branch or in the government of the District of Columbia who is appointed by the President and whose rate of basic pay exceeds the highest rate payable under section 5332 of this title;

(xi) an officer in the executive branch or in the government of the District of Columbia who is designated by the President, except a postmaster, United States attorney, or United States marshal; or

(xii) an officer who receives pay under section 866 of title 22.

§ 6302. General provisions

(a) The days of leave provided by this subchapter are days on which an employee would otherwise work and receive pay and are exclusive of holidays and nonworkdays established by Federal statute, Executive order, or administrative order.

(b) For the purpose of this subchapter an employee is deemed employed for a full biweekly pay period if he is employed during the days within that period, exclusive of holidays and nonworkdays established by Federal statute, Executive order, or administrative order, which fall within his basic administrative workweek.

1 (c) A part-time employee, unless otherwise excepted, is entitled to
 2 the benefits provided by subsection (d) of this section and sections
 3 6303, 6304 (a), (b), 6305 (a), 6307, and 6310 of this title on a pro rata
 4 basis.

5 (d) The annual leave provided by this subchapter, including
 6 annual leave that will accrue to an employee during the year, may be
 7 granted at any time during the year as the head of the agency con-
 8 cerned may prescribe.

9 (e) If an officer excepted from this subchapter by section 6301 (2)
 10 (x)–(xii) of this title, without a break in service, again becomes sub-
 11 ject to this subchapter on completion of his service as an excepted
 12 officer, the unused annual and sick leave standing to his credit when
 13 he was excepted from this subchapter is deemed to have remained to
 14 his credit.

15 **§ 6303. Annual leave; accrual**

16 (a) An employee is entitled to annual leave with pay which accrues
 17 as follows—

18 (1) one-half day for each full biweekly pay period for an em-
 19 ployee with less than 3 years of service;

20 (2) three-fourths day for each full biweekly pay period, ex-
 21 cept that the accrual for the last full biweekly pay period in the
 22 year is one and one-fourth days, for an employee with 3 but less
 23 than 15 years of service; and

24 (3) one day for each full biweekly pay period for an employee
 25 with 15 or more years of service.

26 In determining years of service, an employee is entitled to credit for
 27 all service creditable under section 8332 of this title for the purpose of
 28 an annuity under subchapter III of chapter 83 of this title. However,
 29 an employee who is a retired member of a uniformed service as defined
 30 by section 3501 of this title is entitled to credit for active military serv-
 31 ice only if—

32 (A) his retirement was based on disability—

33 (i) resulting from injury or disease received in line of duty
 34 as a direct result of armed conflict; or

35 (ii) caused by an instrumentality of war and incurred in
 36 line of duty during a period of war as defined by sections 101
 37 and 301 of title 38;

38 (B) that service was performed in the armed forces during a
 39 war, or in a campaign or expedition for which a campaign badge
 40 has been authorized; or

(C) on November 30, 1964, he was employed in a position to which this subchapter applies and thereafter he continued to be so employed without a break in service of more than 30 days.

The determination of years of service may be made on the basis of an affidavit of the employee. Leave provided by this subchapter accrues to an employee who is not paid on the basis of biweekly pay periods on the same basis as it would accrue if the employee were paid on the basis of biweekly pay periods.

(b) Notwithstanding subsection (a) of this section, an employee is entitled to annual leave under this subchapter only after being currently employed for a continuous period of 90 days under one or more appointments without a break in service. After completing the 90-day period, the employee is entitled to be credited with the leave that would have accrued to him under subsection (a) of this section except for this subsection.

(c) A change in the rate of accrual of annual leave by an employee under this section takes effect at the beginning of the pay period after the pay period, or corresponding period for an employee who is not paid on the basis of biweekly pay periods, in which the employee completed the prescribed period of service.

(d) Leave granted under this subchapter is exclusive of time actually and necessarily occupied in going to or from a post of duty and time necessarily occupied awaiting transportation, in the case of an employee—

(1) to whom section 6304(b) of this title applies;

(2) whose post of duty is outside the United States; and

(3) who returns on leave to the United States, or to his place of residence, which is outside the area of employment, in its territories or possessions including the Commonwealth of Puerto Rico.

This subsection does not apply to more than one period of leave in a prescribed tour of duty at a post outside the United States.

§ 6304. Annual leave; accumulation

(a) Except as provided by subsection (b) of this section, annual leave provided by section 6303 of this title, which is not used by an employee, accumulates for use in succeeding years until it totals not more than 30 days at the beginning of the first full biweekly pay period, or corresponding period for an employee who is not paid on the basis of biweekly pay periods, occurring in a year.

(b) Annual leave not used by an employee of the Government of the United States in one of the following classes of employees stationed

1 outside the United States accumulates for use in succeeding years until
 2 it totals not more than 45 days at the beginning of the first full
 3 biweekly pay period, or corresponding period for an employee who
 4 is not paid on the basis of biweekly pay periods, occurring in a year:

5 (1) Individuals directly recruited or transferred by the Gov-
 6 ernment of the United States from the United States or its terri-
 7 tories or possessions including the Commonwealth of Puerto Rico
 8 for employment outside the area of recruitment or from which
 9 transferred.

10 (2) Individuals employed locally but—

11 (A) (i) who were originally recruited from the United
 12 States or its territories or possessions including the Com-
 13 monwealth of Puerto Rico but outside the area of employ-
 14 ment;

15 (ii) who have been in substantially continuous employ-
 16 ment by other agencies of the United States, United States
 17 firms, interests, or organizations, international organizations
 18 in which the United States participates, or foreign govern-
 19 ments; and

20 (iii) whose conditions of employment provide for their
 21 return transportation to the United States or its territories
 22 or possessions including the Commonwealth of Puerto Rico;
 23 or

24 (B) (i) who were at the time of employment temporarily
 25 absent, for the purpose of travel or formal study, from the
 26 United States, or from their respective places of residence
 27 in its territories or possessions including the Commonwealth
 28 of Puerto Rico; and

29 (ii) who, during the temporary absence, have maintained
 30 residence in the United States or its territories or possessions
 31 including the Commonwealth of Puerto Rico but outside the
 32 area of employment.

33 (3) Individuals who are not normally residents of the area
 34 concerned and who are discharged from service in the armed
 35 forces to accept employment with an agency of the Govern-
 36 ment of the United States.

37 (c) Annual leave in excess of the amount allowable—

38 (1) under subsection (a) or (b) of this section which was ac-
 39 cumulated under earlier statute; or

40 (2) under subsection (a) of this section which was accumu-

lated under subsection (b) of this section by an employee who becomes subject to subsection (a) of this section; remains to the credit of the employee until used. The excess annual leave is reduced at the beginning of the first full biweekly pay period, or corresponding period for an employee who is not paid on the basis of biweekly pay periods, occurring in a year, by the amount of annual leave the employee used during the preceding year in excess of the amount which accrued during that year, until the employee's accumulated leave does not exceed the amount allowed under subsection (a) or (b) of this section, as appropriate.

§ 6305. Home leave; foreign-service leave

(a) After 24 months of continuous service outside the United States, an employee may be granted leave of absence, under regulations of the President, at a rate not to exceed 1 week for each 4 months of that service without regard to other leave provided by this subchapter. Leave so granted—

(1) is for use in the United States, or if the employee's place of residence is outside the area of employment, in its territories or possessions including the Commonwealth of Puerto Rico;

(2) accumulates for future use without regard to the limitation in section 6304(b) of this title; and

(3) may not be made the basis for terminal leave or for a lump-sum payment.

(b) The President may authorize leave of absence to an officer excepted from this subchapter by section 6301(2)(xii) of this title for use in the United States and its territories or possessions. Leave so authorized does not constitute a leave system and may not be made the basis for a lump-sum payment.

§ 6306. Annual leave; refund of lump-sum payment; recredit of annual leave

(a) When an individual who received a lump-sum payment for leave under section 5551 of this title is reemployed before the end of the period covered by the lump-sum payment in or under the Government of the United States or the government of the District of Columbia, except in a position excepted from this subchapter by section 6301(2) (ii), (iii), (vi), or (vii) of this title, he shall refund to the employing agency an amount equal to the pay covering the period between the date of reemployment and the expiration of the lump-sum period.

(b) An amount refunded under subsection (a) of this section shall be deposited in the Treasury of the United States to the credit of the

1 employing agency. When an individual is reemployed under the
2 same leave system, an amount of leave equal to the leave represented
3 by the refund shall be recredited to him in the employing agency.
4 When an individual is reemployed under a different leave system, an
5 amount of leave equal to the leave represented by the refund shall
6 be recredited to him in the employing agency on an adjusted basis
7 under regulations prescribed by the Civil Service Commission. When
8 an individual is reemployed in a position excepted from this sub-
9 chapter by section 6301(2) (x)–(xii) of this title, an amount of leave
10 equal to the leave represented by the refund is deemed, on separation
11 from the service, death, or transfer to another position in the service,
12 to have remained to his credit.

13 **§ 6307. Sick leave; accrual and accumulation**

14 (a) An employee is entitled to sick leave with pay which accrues on
15 the basis of one-half day for each full biweekly pay period, except that
16 sick leave with pay accrues to a member of the Firefighting Division
17 of the Fire Department of the District of Columbia on the basis of
18 two-fifths of a day for each full biweekly pay period.

19 (b) Sick leave provided by this section, which is not used by an
20 employee, accumulates for use in succeeding years.

21 (c) When required by the exigencies of the situation, a maximum
22 of 30 days sick leave with pay may be advanced for serious disability
23 or ailment, except that a maximum of 24 days sick leave with pay
24 may be advanced to a member of the Firefighting Division of the
25 Fire Department of the District of Columbia.

26 **§ 6308. Transfers between positions under different leave systems**

27 The annual and sick leave to the credit of an employee who trans-
28 fers between positions under different leave systems without a break in
29 service shall be transferred to his credit in the employing agency on
30 an adjusted basis under regulations prescribed by the Civil Service
31 Commission, unless the individual is excepted from this subchapter
32 by section 6301(2) (ii), (iii), (vi), or (vii) of this title. However,
33 when a former member receiving a retirement annuity under sections
34 521–535 of title 4, District of Columbia Code, is reemployed in a posi-
35 tion to which this subchapter applies, his sick leave balance may not be
36 recredited to his account on the later reemployment.

37 **§ 6309. Leave of absence; rural carriers**

38 The authorized absence of a rural carrier on a Saturday which
39 occurs at the beginning, within, or at the end of a period of annual or
40 sick leave of at least 5 days' duration, or 4 days' duration if a

1 holiday falls at the beginning, within, or at the end of the period of
 2 annual or sick leave, is without charge to leave or loss of pay. A
 3 Saturday occurring in a period of annual or sick leave taken in a
 4 smaller number of days, at the option of the carrier, may be charged
 5 to his accrued leave and when so charged he is entitled to be paid for
 6 that absence.

7 **§ 6310. Leave of absence; aliens**

8 The head of the agency concerned may grant leave of absence with
 9 pay, not in excess of the amount of annual and sick leave allowable to
 10 citizen employees under this subchapter, to alien employees who
 11 occupy positions outside the United States.

12 **§ 6311. Regulations**

13 The Civil Service Commission may prescribe regulations necessary
 14 for the administration of this subchapter.

15 **SUBCHAPTER II—OTHER PAID LEAVE**

16 **§ 6321. Absence of veterans to attend funeral services**

17 An employee in or under an Executive agency who is a veteran of
 18 a war, or of a campaign or expedition for which a campaign badge
 19 has been authorized, or a member of an honor or ceremonial group of
 20 an organization of those veterans, may be excused from duty without
 21 loss of pay or deduction from annual leave for the time necessary, not
 22 to exceed 4 hours in any one day, to enable him to participate as an
 23 active pallbearer or as a member of a firing squad or a guard of honor
 24 in a funeral ceremony for a member of the armed forces whose
 25 remains are returned from abroad for final interment in the United
 26 States.

27 **§ 6322. Leave for jury service**

28 Except as provided by section 5515 of this title, the pay of an
 29 employee as defined by section 2105 of this title or an individual em-
 30 ployed by the government of the District of Columbia may not be
 31 reduced during a period of absence for jury service in a State court or
 32 a court of the United States because of the absence. The period of
 33 absence for jury service is without deduction from other leave of
 34 absence authorized by statute.

35 **§ 6323. Military leave; Reserves and National Guardsmen**

36 (a) An employee as defined by section 2105 of this title (except a
 37 substitute in the postal field service) or an individual employed by the
 38 government of the District of Columbia, permanent or temporary
 39 indefinite, is entitled to leave without loss of pay, time, or performance
 40 or efficiency rating for each day, not in excess of 15 days in a calendar

1 year, in which he is on active duty or is engaged in field or coast
2 defense training under sections 502–505 of title 32 as a Reserve of the
3 armed forces or member of the National Guard.

4 (b) A substitute employee in the postal field service is entitled to
5 leave without loss of pay, time, or efficiency rating for absence, not
6 in excess of 80 hours in a calendar year, because of active duty or
7 field or coast defense training under sections 502–505 of title 32 as
8 a Reserve of the armed forces or member of the National Guard.
9 This leave is on the basis of 1 hour of leave for each period aggre-
10 gating 26 hours of work performed during the calendar year im-
11 mediately before the calendar year in which he is ordered to that
12 duty or training. However, he is entitled to this leave only if he
13 worked at least 1,040 hours during that calendar year.

14 **§ 6324. Absence of certain police and firemen**

15 (a) Sick leave may not be charged to the account of a member of
16 the Metropolitan Police force or the Fire Department of the District
17 of Columbia, the United States Park Police force, or the White House
18 Police force for an absence due to injury or illness resulting from the
19 performance of duty.

20 (b) The determination of whether an injury or illness resulted
21 from the performance of duty shall be made under regulations
22 prescribed by—

23 (1) the Commissioners of the District of Columbia for mem-
24 bers of the Metropolitan Police force and the Fire Department of
25 the District of Columbia;

26 (2) the Secretary of the Interior for the United States Park
27 Police force; and

28 (3) the Secretary of the Treasury for the White House Police
29 force.

30 **Subpart F—Employee Relations**

31 **CHAPTER 71—POLICIES**

32 **SUBCHAPTER I—EMPLOYEE ORGANIZATIONS**

Sec.

7101. Right to organize; postal employees.

7102. Right to petition Congress; employees.

33 **SUBCHAPTER II—ANTIDISCRIMINATION IN**

34 **EMPLOYMENT**

Sec.

7151. Policy.

7152. Marital status.

7153. Physical handicap.

7154. Other prohibitions.

SUBCHAPTER I—EMPLOYEE ORGANIZATIONS

§ 7101. Right to organize; postal employees

A postal employee may not be reduced in rank or pay or removed from the postal service because of—

(1) membership in an organization of postal employees having for its objects, among other things, improvements in the working conditions of its members, including hours of work, pay, and leave of absence, and which is not affiliated with an outside organization imposing an obligation on the employees to engage in a strike, or proposing to assist them in a strike, against the United States; or

(2) presenting, individually or as a member of a group of postal employees, a grievance to Congress or a Member of Congress.

§ 7102. Right to petition Congress; employees

The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.

SUBCHAPTER II—ANTIDISCRIMINATION IN EMPLOYMENT

§ 7151. Policy

It is the policy of the United States to insure equal employment opportunities for employees without discrimination because of race, color, religion, sex, or national origin. The President shall use his existing authority to carry out this policy.

§ 7152. Marital status

The President may prescribe rules which shall prohibit, as nearly as conditions of good administration warrant, discrimination because of marital status in an Executive agency or in the competitive service.

§ 7153. Physical handicap

The President may prescribe rules which shall prohibit, as nearly as conditions of good administration warrant, discrimination because of physical handicap in an Executive agency or in the competitive service with respect to a position the duties of which, in the opinion of the Civil Service Commission, can be performed efficiently by an individual with a physical handicap, except that the employment may not endanger the health or safety of the individual or others.

1 **§ 7154. Other prohibitions**

2 (a) The head of an Executive department or military department
3 may appoint qualified women to positions in the department with the
4 legal pay of the positions to which appointed.

5 (b) In the administration of chapter 51, subchapter III of chapter
6 53, and sections 305 and 3324 of this title, discrimination because of
7 race, color, creed, sex, or marital status is prohibited with respect to
8 an individual or a position held by an individual.

9 (c) The Civil Service Commission may prescribe regulations neces-
10 sary for the administration of subsection (b) of this section.

11 **CHAPTER 73—SUITABILITY, SECURITY, AND CONDUCT**

12 **SUBCHAPTER I—REGULATION OF CONDUCT**

Sec.

7301. Presidential regulations.

13 **SUBCHAPTER II—LOYALTY, SECURITY, AND STRIKING**

Sec.

7311. Loyalty and striking.

7312. Employment and clearance; individuals removed for national security.

14 **SUBCHAPTER III—POLITICAL ACTIVITIES**

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7321. Political contributions and services.

7322. Political use of authority or influence; prohibition.

7323. Political contributions; prohibition.

7324. Influencing elections; taking part in political campaigns; prohibitions;
 exceptions.

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7326. Nonpartisan political activity permitted.

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15 **SUBCHAPTER IV—FOREIGN DECORATIONS**

Sec.

7341. Receipt and display of foreign decorations.

16 **SUBCHAPTER V—MISCONDUCT**

Sec.

7351. Gifts to superiors.

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17 **SUBCHAPTER I—REGULATION OF CONDUCT**

18 **§ 7301. Presidential regulations**

19 The President may prescribe regulations for the conduct of em-
20 ployees in the executive branch.

21 **SUBCHAPTER II—LOYALTY, SECURITY, AND STRIKING**

22 **§ 7311. Loyalty and striking**

23 An individual may not accept or hold a position in the Government
24 of the United States or the government of the District of Columbia
25 if he—

26 (1) advocates the overthrow of our constitutional form of
27 government;

28 (2) is a member of an organization that he knows advocates
29 the overthrow of our constitutional form of government;

(3) participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia; or

(4) is a member of an organization of employees of the Government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the Government of the United States or the government of the District of Columbia.

§ 7312. Employment and clearance; individuals removed for national security

Removal under section 7532 of this title does not affect the right of an individual so removed to seek or accept employment in an agency of the United States other than the agency from which removed. However, the appointment of an individual so removed may be made only after the head of the agency concerned has consulted with the Civil Service Commission. The Commission, on written request of the head of the agency or the individual so removed, may determine whether the individual is eligible for employment in an agency other than the agency from which removed.

SUBCHAPTER III—POLITICAL ACTIVITIES

§ 7321. Political contributions and services

The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that an employee in an Executive agency or in the competitive service is not obliged, by reason of that employment, to contribute to a political fund or to render political service, and that he may not be removed or otherwise prejudiced for refusal to do so.

§ 7322. Political use of authority or influence; prohibition

The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that an employee in an Executive agency or in the competitive service may not use his official authority or influence to coerce the political action of a person or body.

§ 7323. Political contributions; prohibition

An employee in an Executive agency (except one appointed by the President, by and with the advice and consent of the Senate) may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a thing of value for political purposes. An employee who violates this section shall be removed from the service.

§ 7324. Influencing elections; taking part in political campaigns; prohibitions; exceptions

(a) An employee in an Executive agency or an individual employed by the government of the District of Columbia may not—

(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election; or

(2) take an active part in political management or in political campaigns.

For the purpose of this subsection, the phrase “an active part in political management or in political campaigns” means those acts of political management or political campaigning which were prohibited on the part of employees in the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

(b) An employee or individual to whom subsection (a) of this section applies retains the right to vote as he chooses and to express his opinion on political subjects and candidates.

(c) Subsection (a) of this section does not apply to an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by the District of Columbia or by a recognized religious, philanthropic, or cultural organization.

(d) Subsection (a) (2) of this section does not apply to—

(1) an employee paid from the appropriation for the office of the President;

(2) the head or the assistant head of an Executive department or military department;

(3) an employee appointed by the President, by and with the advice and consent of the Senate, who determines policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of Federal laws;

(4) the Commissioners of the District of Columbia; or

(5) the Recorder of Deeds of the District of Columbia.

§ 7325. Penalties

An employee or individual who violates section 7324 of this title shall be removed from his position, and funds appropriated for the position from which removed thereafter may not be used to pay the employee or individual. However, if the Civil Service Commission finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30 days' suspension without pay shall be imposed by direction of the Commission.

§ 7326. Nonpartisan political activity permitted

Section 7324(a) (2) of this title does not prohibit political activity in connection with—

(1) an election and the preceding campaign if none of the candidates is to be nominated or elected at that election as representing a party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected; or

(2) a question which is not specifically identified with a National or State political party or political party of a territory or possession of the United States.

For the purpose of this section, questions relating to constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, are deemed not specifically identified with a National or State political party or political party of a territory or possession of the United States.

§ 7327. Political activity permitted; employees residing in certain municipalities

(a) Section 7324(a) (2) of this title does not apply to an employee of The Alaska Railroad who resides in a municipality on the line of the railroad in respect to political activities involving that municipality.

(b) The Civil Service Commission may prescribe regulations permitting employees and individuals to whom section 7324 of this title applies to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Commission considers it to be in their domestic interest, when—

(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and

(2) the Commisison determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.

SUBCHAPTER IV—FOREIGN DECORATIONS

§ 7341. Receipt and display of foreign decorations

A present, decoration, or other thing presented or conferred by a foreign government to an employee, a Member of Congress, the President, or a member of a uniformed service shall be tendered through the Department of State and not to the individual in person.

1 The Department may deliver the present, decoration, or thing to the
 2 individual in person only if authorized by statute. After delivery is
 3 authorized by statute, the individual may not publicly show or wear
 4 the present, decoration, or thing. The Secretary of State shall fur-
 5 nish the 89th Congress and each alternate Congress thereafter a list
 6 of retired individuals for whom the Department of State is holding
 7 a present, decoration, or thing under this section.

8 SUBCHAPTER V—MISCONDUCT

9 § 7351. Gifts to superiors

10 An employee may not—

11 (1) solicit a contribution from another employee for a gift to
 12 an official superior;

13 (2) make a donation as a gift to an official superior; or

14 (3) accept a gift from an employee receiving less pay than
 15 himself.

16 An employee who violates this section shall be removed from the
 17 service.

18 § 7352. Excessive and habitual use of intoxicants

19 An individual who habitually uses intoxicating beverages to excess
 20 may not be employed in the competitive service.

21 CHAPTER 75—ADVERSE ACTIONS

22 SUBCHAPTER I—COMPETITIVE SERVICE

Sec.

7501. Cause; procedure; exception.

23 SUBCHAPTER II—PREFERENCE ELIGIBLES

Sec.

7511. Definitions.

7512. Cause; procedure; exception.

24 SUBCHAPTER III—HEARING EXAMINERS

Sec.

7521. Removal.

25 SUBCHAPTER IV—NATIONAL SECURITY

Sec.

7531. Definitions.

7532. Suspension and removal.

7533. Effect on other statutes.

26 SUBCHAPTER I—COMPETITIVE SERVICE

27 § 7501. Cause; procedure; exception

28 (a) An individual in the competitive service may be removed or
 29 suspended without pay only for such cause as will promote the
 30 efficiency of the service.

31 (b) An individual in the competitive service whose removal or
 32 suspension without pay is sought is entitled to reasons in writing and
 33 to—

34 (1) notice of the action sought and of any charges preferred
 35 against him;

(2) a copy of the charges;

(3) a reasonable time for filing a written answer to the charges, with affidavits; and

(4) a written decision on the answer at the earliest practicable date.

Examination of witnesses, trial, or hearing is not required but may be provided in the discretion of the individual directing the removal or suspension without pay. Copies of the charges, the notice of hearing, the answer, the reasons for and the order of removal or suspension without pay, and also the reasons for reduction in grade or pay, shall be made a part of the records of the employing agency, and, on request, shall be furnished to the individual affected and to the Civil Service Commission.

(c) This section applies to a preference eligible employee as defined by section 7511 of this title only if he so elects. This section does not apply to the suspension or removal of an employee under section 7532 of this title.

SUBCHAPTER II—PREFERENCE ELIGIBLES

§ 7511. Definitions

For the purpose of this subchapter—

(1) “preference eligible employee” means a permanent or indefinite preference eligible who has completed a probationary or trial period as an employee of an Executive agency or as an individual employed by the government of the District of Columbia, but does not include an employee whose appointment is required by Congress to be confirmed by, or made with the advice and consent of, the Senate, except an employee whose appointment is made under section 3311 of title 39; and

(2) “adverse action” means a removal, suspension for more than 30 days, furlough without pay, or reduction in rank or pay.

§ 7512. Cause; procedure; exception

(a) An agency may take adverse action against a preference eligible employee, or debar him for future appointment, only for such cause as will promote the efficiency of the service.

(b) A preference eligible employee against whom adverse action is proposed is entitled to—

(1) at least 30 days’ advance written notice, except when there is reasonable cause to believe him guilty of a crime for which a sentence of imprisonment can be imposed, stating any and all reasons, specifically and in detail, for the proposed action;

1 (2) a reasonable time for answering the notice personally and
2 in writing and for furnishing affidavits in support of the answer;
3 and

4 (3) a notice of an adverse decision.

5 (c) This section does not apply to the suspension or removal of a
6 preference eligible employee under section 7532 of this title.

7 SUBCHAPTER III—HEARING EXAMINERS

8 § 7521. Removal

9 A hearing examiner appointed under section 3105 of this title may
10 be removed by the agency in which he is employed only for good cause
11 established and determined by the Civil Service Commission on the
12 record after opportunity for hearing.

13 SUBCHAPTER IV—NATIONAL SECURITY

14 § 7531. Definitions

15 For the purpose of this subchapter, "agency" means—

- 16 (1) the Department of State;
- 17 (2) the Department of Commerce;
- 18 (3) the Department of Justice;
- 19 (4) the Department of Defense;
- 20 (5) a military department;
- 21 (6) the Coast Guard;
- 22 (7) the Atomic Energy Commission;
- 23 (8) the National Aeronautics and Space Administration; and
- 24 (9) such other agency of the Government of the United States
25 as the President designates in the best interests of national
26 security.

27 The President shall report any designation to the Committees on the
28 Armed Services of the Congress.

29 § 7532. Suspension and removal

30 (a) Notwithstanding other statutes, the head of an agency may sus-
31 pend without pay an employee of his agency when he considers that
32 action necessary in the interests of national security. To the extent
33 that the head of the agency determines that the interests of national
34 security permit, the suspended employee shall be notified of the reasons
35 for the suspension. Within 30 days after the notification, the sus-
36 pended employee is entitled to submit to the official designated by the
37 head of the agency statements or affidavits to show why he should be
38 restored to duty.

39 (b) Subject to subsection (c) of this section, the head of an agency
40 may remove an employee suspended under subsection (a) of this

section when, after such investigation and review as he considers necessary, he determines that removal is necessary or advisable in the interests of national security. The determination of the head of the agency is final.

(c) An employee suspended under subsection (a) of this section who—

(1) has a permanent or indefinite appointment;

(2) has completed his probationary or trial period; and

(3) is a citizen of the United States;

is entitled, after suspension and before removal, to—

(A) a written statement of the charges against him within 30 days after suspension, which may be amended within 30 days thereafter and which shall be stated as specifically as security considerations permit;

(B) an opportunity within 30 days thereafter, plus an additional 30 days if the charges are amended, to answer the charges and submit affidavits;

(C) a hearing, at the request of the employee, by an agency authority duly constituted for this purpose;

(D) a review of his case by the head of the agency or his designee, before a decision adverse to the employee is made final; and

(E) a written statement of the decision of the head of the agency.

§ 7533. Effect on other statutes

This subchapter does not impair the powers vested in the Atomic Energy Commission by chapter 23 of title 42, or the requirement in section 2201(d) of title 42 that adequate provision be made for administrative review of a determination to dismiss an employee of the Atomic Energy Commission.

CHAPTER 77—APPEALS

Sec.

7701. Appeals of preference eligibles.

§ 7701. Appeals of preference eligibles

A preference eligible employee as defined by section 7511 of this title is entitled to appeal to the Civil Service Commission from an adverse decision under section 7512 of this title of an administrative authority so acting. The employee shall submit the appeal in writing within a reasonable time after receipt of notice of the adverse decision, and is entitled to appear personally or through a representative under regulations prescribed by the Commission. The Commis-

1 sion, after investigation and consideration of the evidence submitted,
 2 shall submit its findings and recommendations to the administrative
 3 authority and shall send copies of the findings and recommendations to
 4 the appellant or his representative. The administrative authority
 5 shall take the corrective action that the Commission finally
 6 recommends.

7 **CHAPTER 79—SERVICES TO EMPLOYEES**

Sec.

7901. Health service programs.

7902. Safety programs.

7903. Protective clothing and equipment.

8 **§ 7901. Health service programs**

9 (a) The head of each agency of the Government of the United
 10 States may establish, within the limits of appropriations available, a
 11 health service program to promote and maintain the physical and
 12 mental fitness of employees under his jurisdiction.

13 (b) A health service program may be established by contract or
 14 otherwise, but only—

15 (1) after consultation with the Public Health Service and con-
 16 sideration of its recommendations; and

17 (2) in localities where there are a sufficient number of
 18 employees to warrant providing the service.

19 (c) A health service program is limited to—

20 (1) treatment of on-the-job illness and dental conditions
 21 requiring emergency attention;

22 (2) preemployment and other examinations;

23 (3) referral of employees to private physicians and dentists;
 24 and

25 (4) preventive programs relating to health.

26 (d) The Public Health Service, on request, shall review a health
 27 service program conducted under this section and shall submit com-
 28 ment and recommendations to the head of the agency concerned.

29 (e) When this section authorizes the use of the professional services
 30 of physicians, that authorization includes the use of the professional
 31 services of surgeons and osteopathic practitioners within the scope
 32 of their practice as defined by State law.

33 (f) The health programs conducted by the following agencies are
 34 not affected by this section—

35 (1) the Tennessee Valley Authority;

36 (2) the Canal Zone Government; and

37 (3) the Panama Canal Company.

1 **§ 7902. Safety programs**

2 (a) For the purpose of this section—

3 (1) “employee” means an employee as defined by section 8101
4 of this title; and

5 (2) “agency” means an agency in any branch of the Govern-
6 ment of the United States, including an instrumentality wholly
7 owned by the United States, and the government of the District
8 of Columbia.

9 (b) The Secretary of Labor shall carry out a safety program cover-
10 ing the employment of each employee of an agency, and for that
11 purpose section 941 of title 33, insofar as applicable, applies in the
12 same manner and to the same extent as though incorporated in this
13 section.

14 (c) The President may—

15 (1) establish by Executive order a safety council composed of
16 representatives of the agencies to serve as an advisory body to the
17 Secretary in furtherance of the safety program carried out by the
18 Secretary under subsection (b) of this section; and

19 (2) undertake such other measures as he considers proper to
20 prevent injuries and accidents to employees of the agencies.

21 (d) The head of each agency shall develop and support organized
22 safety promotion to reduce accidents and injuries among employees
23 of his agency, encourage safe practices, and eliminate work hazards
24 and health risks.

25 (e) Each agency shall—

26 (1) keep a record of injuries and accidents to its employees
27 whether or not they result in loss of time or in the payment or
28 furnishing of benefits; and

29 (2) make such statistical or other reports on such forms as the
30 Secretary may prescribe by regulation.

31 **§ 7903. Protective clothing and equipment**

32 Appropriations available for the procurement of supplies and
33 material or equipment are available for the purchase and maintenance
34 of special clothing and equipment for the protection of personnel in
35 the performance of their assigned tasks. For the purpose of this
36 section, “appropriations” includes funds made available by statute
37 under section 849 of title 31.

- 1 **Subpart G—Insurance and Annuities**
- 2 **CHAPTER 81—COMPENSATION FOR WORK INJURIES**
- 3 **SUBCHAPTER I—GENERALLY**
- Sec.**
8101. Definitions.
8102. Compensation for disability or death of employee.
8103. Medical services and initial medical and other benefits.
8104. Vocational rehabilitation.
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8171. Compensation for work injuries ; generally.
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8173. Liability under this subchapter exclusive.

SUBCHAPTER I—GENERALLY

§ 8101. Definitions

For the purpose of this subchapter—

(1) “employee” means—

(A) a civil officer or employee in any branch of the Government of the United States, including an officer or employee of an instrumentality wholly owned by the United States;

(B) an individual rendering personal service to the United States similar to the service of a civil officer or employee of the United States, without pay or for nominal pay, when a statute authorizes the acceptance or use of the service, or authorizes payment of travel or other expenses of the individual;

(C) an individual, other than an independent contractor or an individual employed by an independent contractor, employed on the Menominee Indian Reservation in Wisconsin in operations conducted under a statute relating to tribal timber and logging operations on that reservation;

(D) an individual employed by the government of the District of Columbia; and

(E) an individual appointed to a position on the office staff of a former President under section 1(b) of the Act of August 25, 1958 (72 Stat. 838);

but does not include—

(i) a commissioned officer of the Regular Corps of the Public Health Service;

(ii) a commissioned officer of the Reserve Corps of the Public Health Service on active duty;

(iii) a commissioned officer of the Coast and Geodetic Survey; or

(iv) a member of the Metropolitan Police or the Fire Department of the District of Columbia who is pensioned or pensionable under sections 521–535 of title 4, District of Columbia Code;

(2) “physician” includes surgeons and osteopathic practitioners within the scope of their practice as defined by State law;

(3) “medical, surgical, and hospital services and supplies” includes services and supplies by osteopathic practitioners and hospitals within the scope of their practice as defined by State law;

1 (4) “monthly pay” means the monthly pay at the time of
2 injury, or the monthly pay at the time disability begins, or the
3 monthly pay at the time compensable disability recurs, if the
4 recurrence begins more than 6 months after the injured employee
5 resumes regular full-time employment with the United States,
6 whichever is greater, except when otherwise determined under
7 section 8113 of this title with respect to any period;

8 (5) “injury” includes, in addition to injury by accident, a
9 disease proximately caused by the employment;

10 (6) “widow” means the wife living with or dependent for sup-
11 port on the decedent at the time of his death, or living apart for
12 reasonable cause or because of his desertion;

13 (7) “parent” includes stepparents and parents by adoption;

14 (8) “brother” and “sister” mean one who at the time of the
15 death of the employee is under 18 years of age or over that age and
16 incapable of self-support, and include stepbrothers and step-
17 sisters, half brothers and half sisters, and brothers and sisters by
18 adoption, but do not include married brothers or married sisters;

19 (9) “child” means one who at the time of the death of the
20 employee is under 18 years of age or over that age and incapable
21 of self-support, and includes stepchildren, adopted children, and
22 posthumous children, but does not include married children;

23 (10) “grandchild” means one who at the time of the death of
24 the employee is under 18 years of age or over that age and
25 incapable of self-support;

26 (11) “widower” means one who, because of physical or mental
27 disability, was wholly dependent for support on the employee at
28 the time of her death;

29 (12) “compensation” includes the money allowance payable to
30 an employee or his dependents and any other benefits paid for
31 from the Employees’ Compensation Fund, but this does not in any
32 way reduce the amount of the monthly compensation payable for
33 disability or death;

34 (13) “war-risk hazard” means a hazard arising during a war in
35 which the United States is engaged; during an armed conflict in
36 which the United States is engaged, whether or not war has
37 been declared; or during a war or armed conflict between military
38 forces of any origin, occurring in the country in which an in-
39 dividual to whom this subchapter applies is serving; from—

40 (A) the discharge of a missile, including liquids and gas, or
41 the use of a weapon, explosive, or other noxious thing by a

hostile force or individual or in combating an attack or an imagined attack by a hostile force or individual;

(B) action of a hostile force or individual, including rebellion or insurrection against the United States or any of its allies;

(C) the discharge or explosion of munitions intended for use in connection with a war or armed conflict with a hostile force or individual;

(D) the collision of vessels on convoy or the operation of vessels or aircraft without running lights or without other customary peacetime aids to navigation; or

(E) the operation of vessels or aircraft in a zone of hostilities or engaged in war activities;

(14) "hostile force or individual" means a nation, a subject of a foreign nation, or an individual serving a foreign nation—

(A) engaged in a war against the United States or any of its allies;

(B) engaged in armed conflict, whether or not war has been declared, against the United States or any of its allies; or

(C) engaged in a war or armed conflict between military forces of any origin in a country in which an individual to whom this subchapter applies is serving;

(15) "allies" means any nation with which the United States is engaged in a common military effort or with which the United States has entered into a common defensive military alliance; and

(16) "war activities" includes activities directly relating to military operations.

§ 8102. Compensation for disability or death of employee

(a) The United States shall pay compensation as specified by this subchapter for the disability or death of an employee resulting from personal injury sustained while in the performance of his duty, unless the injury or death is—

(1) caused by willful misconduct of the employee;

(2) caused by the employee's intention to bring about the injury or death of himself or of another; or

(3) proximately caused by the intoxication of the injured employee.

(b) Disability or death from a war-risk hazard or during or as a result of capture, detention, or other restraint by a hostile force or individual, suffered by an employee who is employed outside the con-

1 tinal United States or in Alaska or in the Canal Zone, is deemed to
 2 have resulted from personal injury sustained while in the performance
 3 of his duty, whether or not the employee was engaged in the course of
 4 employment when the disability or disability resulting in death
 5 occurred or when he was taken by the hostile force or individual. This
 6 subsection does not apply to an individual—

7 (1) whose residence is at or in the vicinity of the place of his
 8 employment and who was not living there solely because of the
 9 exigencies of his employment, unless he was injured or taken
 10 while engaged in the course of his employment; or

11 (2) who is a prisoner of war or a protected individual under
 12 the Geneva Conventions of 1949 and is detained or utilized by
 13 the United States.

14 This subsection does not affect the payment of compensation under
 15 this subchapter derived otherwise than under this subsection, but
 16 compensation for disability or death does not accrue for a period for
 17 which pay, other benefit, or gratuity from the United States accrues
 18 to the disabled individual or his dependents on account of detention
 19 by the enemy or because of the same disability or death, unless that
 20 pay, benefit, or gratuity is refunded or renounced.

21 **§ 8103. Medical services and initial medical and other benefits**

22 (a) The United States shall furnish to an employee who is injured
 23 while in the performance of duty, the services, appliances, and sup-
 24 plies prescribed or recommended by a qualified physician, which the
 25 Secretary of Labor considers likely to cure, give relief, reduce the
 26 degree or the period of disability, or aid in lessening the amount of
 27 the monthly compensation. These services, appliances, and supplies
 28 shall be furnished—

29 (1) whether or not disability has arisen;

30 (2) notwithstanding that the employee has accepted or is en-
 31 titled to receive benefits under subchapter III of chapter 83 of
 32 this title; and

33 (3) by or on the order of United States medical officers and
 34 hospitals, or, when this is not practicable, by or on the order of
 35 private physicians and hospitals designated or approved by the
 36 Secretary.

37 The employee may be furnished transportation and may be paid all
 38 expenses incident to the securing of these services, appliances, and
 39 supplies which the Secretary considers necessary and reasonable.
 40 These expenses, when authorized or approved by the Secretary, shall
 41 be paid from the Employees' Compensation Fund.

(b) The Secretary, under such limitations or conditions as he considers necessary, may authorize the employing agencies to provide for the initial furnishing of medical and other benefits under this section. The Secretary may certify vouchers for these expenses out of the Employees' Compensation Fund when the immediate superior of the employee certifies that the expense was incurred in respect to an injury which was accepted by the employing agency as probably compensable under this subchapter. The Secretary shall prescribe the form and content of the certificate.

§ 8104. Vocational rehabilitation

The Secretary of Labor may direct a permanently disabled individual whose disability is compensable under this subchapter to undergo vocational rehabilitation. The Secretary shall provide for furnishing the vocational rehabilitation services. In providing for these services, the Secretary, insofar as practicable, shall use the services or facilities of State agencies and corresponding agencies which cooperate with the Secretary of Health, Education, and Welfare in carrying out the purposes of chapter 4 of title 29, except to the extent that the Secretary of Labor provides for furnishing these services under section 8103 of this title. The cost of providing these services to individuals undergoing vocational rehabilitation under this section shall be paid from the Employees' Compensation Fund. However, in reimbursing a State or corresponding agency under an arrangement pursuant to this section the cost to the agency reimbursable in full under section 32(b)(1) of title 29 is excluded.

§ 8105. Total disability

(a) If the disability is total, the United States shall pay the employee during the disability monthly monetary compensation equal to $66\frac{2}{3}$ percent of his monthly pay, which is known as his basic compensation for total disability.

(b) The loss of use of both hands, both arms, both feet, or both legs, or the loss of sight of both eyes, is *prima facie* permanent total disability.

§ 8106. Partial disability

(a) If the disability is partial, the United States shall pay the employee during the disability monthly monetary compensation equal to $66\frac{2}{3}$ percent of the difference between his monthly pay and his monthly wage-earning capacity after the beginning of the partial disability, which is known as his basic compensation for partial disability.

(b) The Secretary of Labor may require a partially disabled employee to report his earnings from employment or self-employment, by affidavit or otherwise, in the manner and at the times the Secretary specifies. The employee shall include in the affidavit or report the value of housing, board, lodging, and other advantages which are part of his earnings in employment or self-employment and which can be estimated in money. An employee who—

(1) fails to make an affidavit or report when required; or

(2) knowingly omits or understates any part of his earnings; forfeits his right to compensation with respect to any period for which the affidavit or report was required. Compensation forfeited under this subsection, if already paid, shall be recovered by a deduction from the compensation payable to the employee or otherwise recovered under section 8129 of this title, unless recovery is waived under that section.

(c) A partially disabled employee who—

(1) refuses to seek suitable work; or

(2) refuses or neglects to work after suitable work is offered to, procured by, or secured for him; is not entitled to compensation.

§ 8107. Compensation schedule

(a) If there is a permanent disability involving—

(1) solely the loss of use of a member or function of the body, whether or not the cause of the disability originates in a part of the body other than the member; or

(2) disfigurement as provided by the schedule in subsection (c) of this section;

the employee is entitled to basic compensation for the period specified by the schedule at the rate of 66 $\frac{2}{3}$ percent of his monthly pay. The basic compensation is—

(A) in addition to compensation for temporary total or temporary partial disability; and

(B) instead of compensation for permanent disability, except in a case involving disfigurement and as otherwise provided by subsection (b) of this section.

(b) If an injury causes the total and permanent loss of use of an arm, a hand, a leg, a foot, or an eye, including loss of binocular vision, or total and permanent loss of hearing in both ears, whether or not the disability also involves other impairment of the body, the individual is entitled—

(1) for the period specified by the schedule in subsection (c)

of this section, to basic compensation at the rate of $66\frac{2}{3}$ percent of his monthly pay; and

(2) for a later period, to basic compensation as provided by—

(A) section 8105 of this title if the disability is total; or

(B) section 8106 of this title if the disability is partial.

The basic compensation is in addition to compensation for periods of temporary total or temporary partial disability, and is payable notwithstanding subsection (a) of this section and sections 8105 and 8106 of this title.

(c) The compensation schedule is as follows:

(1) Arm lost, 312 weeks' compensation.

(2) Leg lost, 288 weeks' compensation.

(3) Hand lost, 244 weeks' compensation.

(4) Foot lost, 205 weeks' compensation.

(5) Eye lost, 160 weeks' compensation.

(6) Thumb lost, 75 weeks' compensation.

(7) First finger lost, 46 weeks' compensation.

(8) Great toe lost, 38 weeks' compensation.

(9) Second finger lost, 30 weeks' compensation.

(10) Third finger lost, 25 weeks' compensation.

(11) Toe other than great toe lost, 16 weeks' compensation.

(12) Fourth finger lost, 15 weeks' compensation.

(13) Loss of hearing—

(A) complete loss of hearing of one ear, 52 weeks' compensation; or

(B) complete loss of hearing of both ears, 200 weeks' compensation.

(14) Compensation for loss of binocular vision or for loss of 80 percent or more of the vision of an eye is the same as for loss of the eye.

(15) Compensation for loss of more than one phalanx of a digit is the same as for loss of the entire digit. Compensation for loss of the first phalanx is one-half of the compensation for loss of the entire digit.

(16) If, in the case of an arm or a leg, the member is amputated above the wrist or ankle, compensation is the same as for loss of the arm or leg, respectively.

(17) Compensation for loss of use of two or more digits, or one or more phalanges of each of two or more digits, of a hand or foot, is proportioned to the loss of use of the hand or foot occasioned thereby.

1 (18) Compensation for permanent total loss of use of a member
2 is the same as for loss of the member.

3 (19) Compensation for permanent partial loss of use of a
4 member may be for proportionate loss of use of the member.
5 The degree of loss of vision or hearing under this schedule is de-
6 termined without regard to correction.

7 (20) In case of loss of use of more than one member or parts
8 of more than one member as enumerated by this schedule, the
9 compensation is for loss of use of each member or part thereof,
10 and the awards run consecutively. However, when the injury
11 affects only two or more digits of the same hand or foot, para-
12 graph (17) of this subsection applies, and when partial bilateral
13 loss of hearing is involved, compensation is computed on the loss
14 as affecting both ears.

15 (21) For serious disfigurement of the face, head, or neck of a
16 character likely to handicap an individual in securing or main-
17 taining employment, proper and equitable compensation not to
18 exceed \$3,500 shall be awarded in addition to any other compen-
19 sation payable under this schedule.

20 **§ 8108. Reduction of compensation for subsequent injury to same**
21 **member**

22 The period of compensation payable under the schedule in section
23 8107(c) of this title is reduced by the period of compensation paid or
24 payable under the schedule for an earlier injury if—

25 (1) compensation in both cases is for disability of the same
26 member or function or different parts of the same member or
27 function or for disfigurement; and

28 (2) the Secretary of Labor finds that compensation payable
29 for the later disability in whole or in part would duplicate the
30 compensation payable for the preexisting disability.

31 In such a case, for the purposes of disabilities specified by section
32 8107(b) of this title, compensation for disability continuing after the
33 scheduled period starts on expiration of that period as reduced under
34 this section.

35 **§ 8109. Beneficiaries of awards unpaid at death; order of prece-**
36 **dence**

37 (a) If an individual—

38 (1) has sustained disability compensable under section 8107(a)
39 of this title, including a disability compensable under the sched-
40 ule in section 8107(c) of this title because of section 8107(b) of
41 this title;

(2) has filed a valid claim in his lifetime; and

(3) dies from a cause other than the injury before the end of the period specified by the schedule;

the compensation specified by the schedule that is unpaid at his death, whether or not accrued or due at his death, shall be paid—

(A) under an award made before or after the death;

(B) for the period specified by the schedule;

(C) to and for the benefit of the persons then in being within the classes and proportions and on the conditions specified by this section; and

(D) in the following order of precedence:

(i) If there is no child, to the widow or widower.

(ii) If there are both a widow or widower and a child or children, one-half to the widow or widower and one-half to the child or children.

(iii) If there is no widow or widower, to the child or children.

(iv) If there is no survivor in the above classes, to the parent or parents wholly or partly dependent for support on the decedent, or to other wholly dependent relatives listed by section 8133(a)(5) of this title, or to both in proportions provided by regulation.

(v) If there is no survivor in the above classes and no burial allowance is payable under section 8134 of this title, an amount not exceeding that which would be expendable under section 8134 of this title if applicable shall be paid to reimburse a person equitably entitled thereto to the extent and in the proportion that he has paid the burial expenses, but a compensated insurer or other person obligated by law or contract to pay the burial expenses or a State or political subdivision or entity is deemed not equitably entitled.

(b) Payments under subsection (a) of this section, except for an amount payable for a period preceding the death of the individual, are at the basic rate of compensation for permanent disability specified by section 8107(a) of this title even if at the time of death the individual was entitled to the augmented rate specified by section 8110 of this title.

(c) A surviving beneficiary under subsection (a) of this section, except one under subsection (a)(D)(v), does not have a vested right to payment and must be alive to receive payment.

(d) A beneficiary under subsection (a) of this section, except one under subsection (a)(D)(v), ceases to be entitled to payment on the happening of an event which would terminate his right to compensation for death under section 8133 of this title. When that entitlement ceases, compensation remaining unpaid under subsection (a) of this section is payable to the surviving beneficiary in accordance with subsection (a) of this section.

§ 8110. Augmented compensation for dependents

(a) For the purpose of this section, "dependent" means—

(1) a wife, if—

(A) she is a member of the same household as the employee;

(B) she is receiving regular contributions from the employee for her support; or

(C) the employee has been ordered by a court to contribute to her support;

(2) a husband, if wholly dependent on the employee for support because of his own physical or mental disability;

(3) an unmarried child, while living with the employee or receiving regular contributions from the employee toward his support, and who is—

(A) under 18 years of age; or

(B) over 18 years of age and incapable of self-support because of physical or mental disability; and

(4) a parent, while wholly dependent on and supported by the employee.

(b) A disabled employee with one or more dependents is entitled to have his basic compensation for disability augmented—

(1) at the rate of $8\frac{1}{3}$ percent of his monthly pay if that compensation is payable under section 8105 or 8107(a) of this title including compensation payable under the schedule in section 8107(c) by virtue of section 8107(b) of this title; and

(2) at the rate of $8\frac{1}{3}$ percent of the difference between his monthly pay and his monthly wage-earning capacity if that compensation is payable under section 8106(a) of this title.

However, for a period of temporary total disability the augmentation of basic compensation for disability payable under section 8105 of this title is limited to that part of the monthly pay of the employee which is not in excess of \$420.

§ 8111. Additional compensation for services of attendants or vocational rehabilitation

(a) The Secretary of Labor may pay an employee who has been awarded compensation an additional sum of not more than \$125 a month, as the Secretary considers necessary, when the Secretary finds that the service of an attendant is necessary constantly because the employee is totally blind, or has lost the use of both hands or both feet, or is paralyzed and unable to walk, or because of other disability resulting from the injury making him so helpless as to require constant attendance.

(b) The Secretary may pay an individual undergoing vocational rehabilitation under section 8104 of this title additional compensation necessary for his maintenance, but not to exceed \$100 a month.

§ 8112. Maximum and minimum monthly payments

Except as provided by section 8138 of this title, the monthly rate of compensation for disability, including augmented compensation under section 8110 of this title but not including additional compensation under section 8111 of this title, may not exceed \$525 a month, and in case of total disability may not be less than \$180 a month or the amount of the monthly pay of the employee, whichever is less.

§ 8113. Increase or decrease of basic compensation

(a) If an individual—

(1) was a minor or employed in a learner's capacity at the time of injury; and

(2) was not physically or mentally handicapped before the injury;

the Secretary of Labor, on review under section 8128 of this title after the time the wage-earning capacity of the individual would probably have increased but for the injury, shall recompute prospectively the monetary compensation payable for disability on the basis of an assumed monthly pay corresponding to the probable increased wage-earning capacity.

(b) The Secretary, on review under section 8128 of this title after a disabled employee becomes 70 years of age and his wage-earning capacity would probably have decreased because of old age aside from and independently of the effects of the injury, shall recompute prospectively the monetary compensation payable for disability on the basis of an assumed monthly pay corresponding to the probable decreased wage-earning capacity.

(c) If an individual without good cause fails to apply for and undergo vocational rehabilitation when so directed under section 8104 of this title, the Secretary, on review under section 8128 of this title and after finding that in the absence of the failure the wage-earning capacity of the individual would probably have substantially increased, may reduce prospectively the monetary compensation of the individual in accordance with what would probably have been his wage-earning capacity in the absence of the failure, until the individual in good faith complies with the direction of the Secretary.

§ 8114. Computation of pay

(a) For the purpose of this section—

(1) “overtime pay” means pay for hours of service in excess of a statutory or other basic workweek or other basic unit of worktime, as observed by the employing establishment; and

(2) “year” means a period of 12 calendar months, or the equivalent thereof as specified by regulations prescribed by the Secretary of Labor.

(b) In computing monetary compensation for disability or death on the basis of monthly pay, that pay is determined under this section.

(c) The monthly pay at the time of injury is deemed one-twelfth of the average annual earnings of the employee at that time. When compensation is paid on a weekly basis, the weekly equivalent of the monthly pay is deemed one-fifty-second of the average annual earnings. However, for so much of a period of total disability as does not exceed 90 calendar days from the date of the beginning of compensable disability, the compensation, in the discretion of the Secretary of Labor, may be computed on the basis of the actual daily wage of the employee at the time of injury in which event he may be paid compensation for the days he would have worked but for the injury.

(d) Average annual earnings are determined as follows:

(1) If the employee worked in the employment in which he was employed at the time of his injury during substantially the whole year immediately preceding the injury and the employment was in a position for which an annual rate of pay—

(A) was fixed, the average annual earnings are the annual rate of pay; or

(B) was not fixed, the average annual earnings are the product obtained by multiplying his daily wage for the particular employment, or the average thereof if the daily wage has fluctuated, by 300 if he was employed on the basis of a

6-day workweek, 280 if employed on the basis of a 5½-day week, and 260 if employed on the basis of a 5-day week.

(2) If the employee did not work in employment in which he was employed at the time of his injury during substantially the whole year immediately preceding the injury, but the position was one which would have afforded employment for substantially a whole year, the average annual earnings are a sum equal to the average annual earnings of an employee of the same class working substantially the whole immediately preceding year in the same or similar employment by the United States in the same or neighboring place, as determined under paragraph (1) of this subsection.

(3) If either of the foregoing methods of determining the average annual earnings cannot be applied reasonably and fairly, the average annual earnings are a sum that reasonably represents the annual earning capacity of the injured employee in the employment in which he was working at the time of the injury having regard to the previous earnings of the employee in Federal employment, and of other employees of the United States in the same or most similar class working in the same or most similar employment in the same or neighboring location, other previous employment of the employee, or other relevant factors. However, the average annual earnings may not be less than 150 times the average daily wage the employee earned in the employment during the days employed within 1 year immediately preceding his injury.

(4) If the employee served without pay or at nominal pay, paragraphs (1), (2), and (3) of this subsection apply as far as practicable, but the average annual earnings of the employee may not exceed the minimum rate of basic pay for GS-15. If the average annual earnings cannot be determined reasonably and fairly in the manner otherwise provided by this section, the average annual earnings shall be determined at the reasonable value of the service performed but not in excess of \$3,600 a year.

(e) The value of subsistence and quarters, and of any other form of remuneration in kind for services if its value can be estimated in money, is included as part of the pay, but account is not taken of—

(1) overtime pay;

(2) additional pay or allowance authorized outside the United States because of differential in cost of living or other special circumstances; or

- 1 (3) bonus or premium pay for extraordinary service including
2 bonus or pay for particularly hazardous service in time of war.

3 **§ 8115. Determination of wage-earning capacity**

4 (a) In determining compensation for partial disability, except per-
5 manent partial disability compensable under sections 8107–8109 of this
6 title, the wage-earning capacity of an employee is determined by his
7 actual earnings if his actual earnings fairly and reasonably represent
8 his wage-earning capacity. If the actual earnings of the employee do
9 not fairly and reasonably represent his wage-earning capacity or if
10 the employee has no actual earnings, his wage-earning capacity as ap-
11 pears reasonable under the circumstances is determined with due re-
12 gard to—

- 13 (1) the nature of his injury;
14 (2) the degree of physical impairment;
15 (3) his usual employment;
16 (4) his age;
17 (5) his qualifications for other employment;
18 (6) the availability of suitable employment; and
19 (7) other factors or circumstances which may affect his wage-
20 earning capacity in his disabled condition.

21 (b) Section 8114(d) of this title is applicable in determining the
22 wage-earning capacity of an employee after the beginning of partial
23 disability.

24 **§ 8116. Limitations on right to receive compensation**

25 (a) While an employee is receiving compensation under this sub-
26 chapter, or if he has been paid a lump sum in commutation of install-
27 ment payments until the expiration of the period during which the
28 installment payments would have continued, he may not receive salary,
29 pay, or remuneration of any type from the United States, except—

- 30 (1) in return for service actually performed; and
31 (2) pension for service in the Army, Navy, or Air Force.

32 However, eligibility for or receipt of benefits under subchapter III
33 of chapter 83 of this title does not impair the right of the employee
34 to compensation for scheduled disabilities specified by section 8107(c)
35 of this title.

36 (b) An individual entitled to benefits under this subchapter because
37 of his injury, or because of the death of an employee, who also is
38 entitled to receive from the United States under a provision of statute
39 other than this subchapter payments or benefits for that injury or
40 death (except proceeds of an insurance policy), because of service by
41 him (or in the case of death, by the deceased) as an employee or in

1 the armed forces, shall elect which benefits he will receive. The
 2 individual shall make the election within 1 year after the injury
 3 or death or within a further time allowed for good cause by the Sec-
 4 retary of Labor. The election when made is irrevocable, except as
 5 otherwise provided by statute.

6 (c) The liability of the United States or an instrumentality thereof
 7 under this subchapter or any extension thereof with respect to the
 8 injury or death of an employee is exclusive and instead of all other
 9 liability of the United States or the instrumentality to the employee,
 10 his legal representative, spouse, dependents, next of kin, and any
 11 other person otherwise entitled to recover damages from the United
 12 States or the instrumentality because of the injury or death in a
 13 direct judicial proceeding, in a civil action, or in admiralty, or by
 14 an administrative or judicial proceeding under a workmen's com-
 15 pensation statute or under a Federal tort liability statute. However,
 16 this subsection does not apply to a master or a member of a crew of
 17 a vessel.

18 **§ 8117. Time of accrual of right**

19 An employee is not entitled to compensation for the first 3 days of
 20 temporary disability, except—

- 21 (1) when the disability exceeds 21 days;
- 22 (2) when the disability is followed by permanent disability;
- 23 or
- 24 (3) as provided by sections 8103 and 8104 of this title.

25 **§ 8118. Election to use annual or sick leave**

26 An employee may use annual or sick leave to his credit at the time
 27 disability begins, but his compensation for disability does not begin,
 28 and the time periods specified by section 8117 of this title do not
 29 begin to run, until the use of the annual or sick leave ends.

30 **§ 8119. Notice of injury; failure to give**

31 (a) An employee injured in the performance of his duty, or some-
 32 one on his behalf, shall give notice thereof. The notice shall—

- 33 (1) be given within 48 hours after the injury;
- 34 (2) be given to the immediate superior of the employee by per-
 35 sonal delivery or by depositing it in the mail properly stamped
 36 and addressed;
- 37 (3) be in writing;
- 38 (4) state the name and address of the employee;
- 39 (5) state the year, month, day, and hour when and the particu-
 40 lar locality where the injury occurred;
- 41 (6) state the cause and nature of the injury; and

1 (7) be signed by and contain the address of the individual giv-
2 ing the notice.

3 (b) Compensation may be allowed only if the notice is given
4 within 48 hours after the injury or if the immediate superior of the
5 employee has actual knowledge of the injury. However, the Secretary
6 of Labor may allow compensation if—

7 (1) the notice is filed within 1 year after the injury and
8 reasonable cause for the delay is shown; or

9 (2) the requirement for 48 hours' notice is waived under sec-
10 tion 8122 of this title.

11 **§ 8120. Report of injury**

12 Immediately after an injury to an employee which results in his
13 death or probable disability, his immediate superior shall report to
14 the Secretary of Labor. The Secretary may—

15 (1) prescribe the information that the report shall contain;

16 (2) require the immediate superior to make supplemental re-
17 ports; and

18 (3) obtain such additional reports and information from em-
19 ployees as are agreed on by the Secretary and the head of the
20 employing agency.

21 **§ 8121. Claim**

22 Compensation under this subchapter may be allowed only if an
23 individual or someone on his behalf makes claim therefor. The claim
24 shall—

25 (1) be made in writing within the time specified by section
26 8122 of this title;

27 (2) be delivered to the office of the Secretary of Labor or to
28 an individual whom the Secretary may designate by regulation,
29 or deposited in the mail properly stamped and addressed to the
30 Secretary or his designee;

31 (3) be on a form furnished by the Secretary;

32 (4) contain all information required by the Secretary;

33 (5) be sworn to by the individual entitled to compensation, or
34 someone on his behalf; and

35 (6) except in case of death, be accompanied by a certificate of
36 the physician of the employee stating the nature of the injury
37 and the nature and probable extent of the disability.

38 The Secretary may waive paragraphs (3)–(6) of this section for
39 reasonable cause shown.

1 **§ 8122. Time for making claim**

2 (a) An original claim for compensation—

3 (1) for death shall be made within 1 year after the death;
4 and

5 (2) for disability shall be made within 60 days after the in-
6 jury.

7 However, the Secretary of Labor may allow an original claim for
8 disability to be made within 1 year after the injury for reasonable
9 cause shown.

10 (b) In a case of latent disability due to radiation or other cause,
11 the time for filing claim does not begin to run until the employee has a
12 compensable disability and is aware, or by the exercise of reasonable
13 diligence should have been aware, of the causal relationship of the
14 compensable disability to his employment. In such a case, the time
15 for giving notice of injury begins to run when the employee is aware,
16 or by the exercise of reasonable diligence should have been aware,
17 that his condition is causally related to his employment, whether or
18 not there is compensable disability.

19 (c) The Secretary may waive compliance with the requirements of
20 this subchapter for giving notice of injury and for filing claim for
21 compensation for disability or death if—

22 (1) a claim is filed within 5 years after the injury or death;
23 and

24 (2) the Secretary finds—

25 (A) that the failure to comply was due to circumstances
26 beyond the control of the individual claiming benefits; or

27 (B) that the individual claiming benefits has shown suffi-
28 cient cause or reason in explanation of, and material prejudice
29 to the interest of the United States has not resulted from,
30 the failure.

31 **§ 8123. Physical examinations**

32 (a) An employee shall submit to examination by a medical officer
33 of the United States, or by a physician designated or approved by the
34 Secretary of Labor, after the injury and as frequently and at the times
35 and places as may be reasonably required. The employee may have a
36 physician designated and paid by him present to participate in the
37 examination. If there is disagreement between the physician making
38 the examination for the United States and the physician of the em-
39 ployee, the Secretary shall appoint a third physician who shall make
40 an examination.

(b) An employee is entitled to be paid expenses incident to an examination required by the Secretary which in the opinion of the Secretary are necessary and reasonable, including transportation and loss of wages incurred in order to be examined. The expenses, when authorized or approved by the Secretary, are paid from the Employees' Compensation Fund.

(c) The Secretary shall fix the fees for examinations held under this section by physicians not employed by or under contract to the United States to furnish medical services to employees. The fees, when authorized or approved by the Secretary, are paid from the Employees' Compensation Fund.

(d) If an employee refuses to submit to or obstructs an examination, his right to compensation under this subchapter is suspended until the refusal or obstruction stops. Compensation is not payable while a refusal or obstruction continues, and the period of the refusal or obstruction is deducted from the period for which compensation is payable to the employee.

§ 8124. Findings and award

The Secretary of Labor shall determine and make a finding of facts and make an award for or against payment of compensation under this subchapter after—

(1) considering the claim presented by the beneficiary and the report furnished by the immediate superior; and

(2) completing such investigation as he considers necessary.

§ 8125. Misbehavior at proceedings

If an individual—

(1) disobeys or resists a lawful order or process in proceedings under this subchapter before the Secretary of Labor or his representative; or

(2) misbehaves during a hearing or so near the place of hearing as to obstruct it;

the Secretary or his representative shall certify the facts to the district court having jurisdiction in the place where he is sitting. The court, in a summary manner, shall hear the evidence as to the acts complained of and if the evidence warrants, punish the individual in the same manner and to the same extent as for a contempt committed before the court, or commit the individual on the same conditions as if the forbidden act had occurred with reference to the process of or in the presence of the court.

1 **§ 8126. Subpenas; oaths; examination of witnesses**

2 The Secretary of Labor, on any matter within his jurisdiction under
3 this subchapter, may—

4 (1) issue subpenas for and compel the attendance of witnesses
5 within a radius of 100 miles;

6 (2) administer oaths;

7 (3) examine witnesses; and

8 (4) require the production of books, papers, documents, and
9 other evidence.

10 **§ 8127. Representation; attorneys' fees**

11 (a) A claimant may authorize an individual to represent him in any
12 proceeding under this subchapter before the Secretary of Labor.

13 (b) A claim for legal or other services furnished in respect to a case,
14 claim, or award for compensation under this subchapter is valid only
15 if approved by the Secretary.

16 **§ 8128. Review of award**

17 (a) The Secretary of Labor may review an award for or against
18 payment of compensation at any time on his own motion or on applica-
19 tion. The Secretary, in accordance with the facts found on review,
20 may—

21 (1) end, decrease, or increase the compensation previously
22 awarded; or

23 (2) award compensation previously refused or discontinued.

24 (b) The action of the Secretary or his designee in allowing or deny-
25 ing a payment under this subchapter is—

26 (1) final and conclusive for all purposes and with respect to all
27 questions of law and fact; and

28 (2) not subject to review by another official of the United
29 States or by a court by mandamus or otherwise.

30 Credit shall be allowed in the accounts of a certifying or disbursing
31 official for payments in accordance with that action.

32 **§ 8129. Recovery of overpayments**

33 (a) When an overpayment has been made to an individual under
34 this subchapter because of an error of fact or law, adjustment shall be
35 made under regulations prescribed by the Secretary of Labor by de-
36 creasing later payments to which the individual is entitled. If
37 the individual dies before the adjustment is completed, adjustment
38 shall be made by decreasing later benefits payable under this sub-
39 chapter with respect to the individual's death.

(b) Adjustment or recovery by the United States may not be made when incorrect payment has been made to an individual who is without fault and when adjustment or recovery would defeat the purpose of this subchapter or would be against equity and good conscience.

(c) A certifying or disbursing official is not liable for an amount certified or paid by him when—

(1) adjustment or recovery of the amount is waived under subsection (b) of this section; or

(2) adjustment under subsection (a) of this section is not completed before the death of all individuals against whose benefits deductions are authorized.

§ 8130. Assignment of claim

An assignment of a claim for compensation under this subchapter is void. Compensation and claims for compensation are exempt from claims of creditors.

§ 8131. Subrogation of the United States

(a) If an injury or death for which compensation is payable under this subchapter is caused under circumstances creating a legal liability on a person other than the United States to pay damages, the Secretary of Labor may require the beneficiary to—

(1) assign to the United States any right of action he may have to enforce the liability or any right he may have to share in money or other property received in satisfaction of that liability; or

(2) prosecute the action in his own name.

An employee required to appear as a party or witness in the prosecution of such an action is in an active duty status while so engaged.

(b) A beneficiary who refuses to assign or prosecute an action in his own name when required by the Secretary is not entitled to compensation under this subchapter.

(c) The Secretary may prosecute or compromise a cause of action assigned to the United States. When the Secretary realizes on the cause of action, he shall deduct therefrom and place to the credit of the Employees' Compensation Fund the amount of compensation already paid to the beneficiary and the expense of realization or collection. Any surplus shall be paid to the beneficiary and credited on future payments of compensation payable for the same injury.

(d) If an injury or death for which compensation is payable under this subchapter is caused under circumstances creating a legal liability in the Panama Canal Company to pay damages under the law of a State, a territory or possession of the United States, the District of

1 Columbia, or a foreign country, compensation is not payable until
2 the individual entitled to compensation—

3 (1) releases to the Panama Canal Company any right of action
4 he may have to enforce the liability of the Panama Canal Com-
5 pany; or

6 (2) assigns to the United States any right he may have to share
7 in money or other property received in satisfaction of the lia-
8 bility of the Panama Canal Company.

9 **§ 8132. Adjustment after recovery from a third person**

10 If an injury or death for which compensation is payable under this
11 subchapter is caused under circumstances creating a legal liability in
12 a person other than the United States to pay damages, and a benefi-
13 ciary entitled to compensation from the United States for that injury
14 or death receives money or other property in satisfaction of that lia-
15 bility as a result of suit or settlement by him or in his behalf, the
16 beneficiary, after deducting therefrom the costs of suit and a reason-
17 able attorney's fee, shall refund to the United States the amount of
18 compensation paid by the United States and credit any surplus on
19 future payments of compensation payable to him for the same injury.
20 The amount refunded to the United States shall be credited to the
21 Employees' Compensation Fund. If compensation has not been paid
22 to the beneficiary, he shall credit the money or property on compensa-
23 tion payable to him by the United States for the same injury.

24 **§ 8133. Compensation in case of death**

25 (a) If death results from an injury sustained in the performance
26 of duty, the United States shall pay a monthly compensation equal to a
27 percentage of the monthly pay of the deceased employee in accordance
28 with the following schedule:

29 (1) To the widow or widower, if there is no child, 45 percent.

30 (2) To the widow or widower, if there is a child, 40 percent
31 and in addition 15 percent for each child not to exceed a total of
32 75 percent for the widow or widower and children.

33 (3) To the children, if there is no widow or widower, 35 percent
34 for one child and 15 percent additional for each additional child
35 not to exceed a total of 75 percent, divided among the children
36 share and share alike.

37 (4) To the parents, if there is no widow, widower, or child, as
38 follows—

39 (A) 25 percent if one parent was wholly dependent on the
40 employee at the time of death and the other was not depend-
41 ent to any extent;

1 (B) 20 percent to each if both were wholly dependent; or

2 (C) a proportionate amount in the discretion of the Secre-
3 tary of Labor if one or both were partly dependent.

4 If there is a widow, widower, or child, so much of the percentages
5 are payable as, when added to the total percentages payable to the
6 widow, widower, and children, will not exceed a total of 75
7 percent.

8 (5) To the brothers, sisters, grandparents, and grandchildren,
9 if there is no widow, widower, child, or dependent parent, as
10 follows—

11 (A) 20 percent if one was wholly dependent on the
12 employee at the time of death;

13 (B) 30 percent if more than one was wholly dependent,
14 divided among the dependents share and share alike; or

15 (C) 10 percent if no one is wholly dependent but one or
16 more is partly dependent, divided among the dependents
17 share and share alike.

18 If there is a widow, widower, child, or dependent parent, so much
19 of the percentages are payable as, when added to the total per-
20 centages payable to the widow, widower, children, and dependent
21 parents, will not exceed a total of 75 percent.

22 (b) The compensation payable under subsection (a) of this section
23 is paid from the time of death until—

24 (1) a widow dies or remarries;

25 (2) a widower dies or remarries or becomes capable of self-
26 support;

27 (3) a child, a brother, a sister, or a grandchild dies or marries
28 or becomes 18 years of age, or if over age 18 and incapable of self-
29 support becomes capable of self-support; or

30 (4) a parent or grandparent dies or marries or ceases to be
31 dependent.

32 (c) On the cessation of compensation under this section to or on
33 account of an individual, the compensation of the remaining individ-
34 uals entitled to compensation for the unexpired part of the period dur-
35 ing which their compensation is payable, is that which they would
36 have received if they had been the only individuals entitled to compen-
37 sation at the time of the death of the employee.

38 (d) When there are two or more classes of individuals entitled
39 to compensation under this section and the apportionment of compen-
40 sation under this section would result in injustice, the Secretary may
41 modify the apportionment to meet the requirements of the case.

(e) The monthly pay for computing compensation under this section is deemed at least \$240, but the total monthly compensation may not exceed the monthly pay computed under section 8114 of this title or \$525, whichever is less.

§ 8134. Funeral expenses; transportation of body

(a) If death results from an injury sustained in the performance of duty, the United States shall pay, to the personal representative of the deceased or otherwise, funeral and burial expenses not to exceed \$800, in the discretion of the Secretary of Labor.

(b) The body of an employee whose home is in the United States, in the discretion of the Secretary, may be embalmed and transported in a hermetically sealed casket to his home or last place of residence at the expense of the Employees' Compensation Fund if—

(1) the employee dies from—

(A) the injury while away from his home or official station or outside the United States; or

(B) from other causes while away from his home or official station for the purpose of receiving medical or other services, appliances, supplies, or examination under this subchapter; and

(2) the relatives of the employee request the return of his body.

If the relatives do not request the return of the body of the employee, the Secretary may provide for its disposition and incur and pay from the Employees' Compensation Fund the necessary and reasonable transportation, funeral, and burial expenses.

§ 8135. Lump-sum payment

The liability of the United States for compensation to a beneficiary in the case of death or of permanent total or permanent partial disability may be discharged by a lump-sum payment equal to the present value of all future payments of compensation computed at 4 percent true discount compounded annually if—

(1) the monthly payment to the beneficiary is less than \$5 a month;

(2) the beneficiary is or is about to become a nonresident of the United States; or

(3) the Secretary of Labor determines that it is for the best interests of the beneficiary.

The probability of the death of the beneficiary before the expiration of the period during which he is entitled to compensation is determined according to the American Experience Table of Mortality, but the lump-sum payment to a widow or widower of the deceased em-

1 ployee may not exceed 60 months' compensation. The probability of
 2 the happening of any other contingency affecting the amount or dura-
 3 tion of compensation is disregarded.

4 **§ 8136. Initial payments outside the United States**

5 If an employee is injured outside the continental United States, the
 6 Secretary of Labor may arrange and provide for initial payment of
 7 compensation and initial furnishing of other benefits under this sub-
 8 chapter by an employee or agent of the United States designated by
 9 the Secretary for that purpose in the locality in which the employee
 10 was employed or the injury occurred.

11 **§ 8137. Compensation for noncitizens and nonresidents**

12 (a) When the Secretary of Labor finds that the amount of com-
 13 pensation payable to an employee who is neither a citizen nor resident
 14 of the United States or Canada, or payable to a dependent of such an
 15 employee, is substantially disproportionate to compensation for dis-
 16 ability or death payable in similar cases under local statute, regulation,
 17 custom, or otherwise at the place outside the continental United States
 18 or Canada where the employee is working at the time of injury, he
 19 may provide for payment of compensation on a basis reasonably in
 20 accord with prevailing local payments in similar cases by—

21 (1) the adoption or adaption of the substantive features, by
 22 a schedule or otherwise, of local workmen's compensation pro-
 23 visions or other local statute, regulation, or custom applicable in
 24 cases of personal injury or death; or

25 (2) establishing special schedules of compensation for injury,
 26 death, and loss of use of members and functions of the body for
 27 specific classes of employees, areas, and places.

28 Irrespective of the basis adopted, the Secretary may at any time—

29 (A) modify or limit the maximum monthly and total aggre-
 30 gate payments for injury, death, and medical or other benefits;

31 (B) modify or limit the percentages of the wage of the em-
 32 ployee payable as compensation for the injury or death; and

33 (C) modify, limit, or redesignate the class or classes of bene-
 34 ficiaries entitled to death benefits, including the designation of
 35 persons, representatives, or groups entitled to payment under local
 36 statute or custom whether or not included in the classes of bene-
 37 ficiaries otherwise specified by this subchapter.

38 (b) In a case under this section, the Secretary or his designee may—

39 (1) make a lump-sum award in the manner prescribed by sec-
 40 tion 8135 of this title when he or his designee considers it to be for
 41 the best interest of the United States; and

(2) compromise and pay a claim for benefits, including a claim in which there is a dispute as to jurisdiction or other fact or a question of law.

Compensation paid under this subsection is instead of all other compensation from the United States for the same injury or death, and a payment made under this subsection is deemed compensation under this subchapter and is satisfaction of all liability of the United States in respect to the particular injury or death.

(c) The Secretary may delegate to an employee or agency of the United States, with such limitations and right of review as he considers advisable, authority to process, adjudicate, commute by lump-sum award, compromise, and pay a claim or class of claims for compensation, and to provide other benefits, locally, under this section, in accordance with such regulations and instructions as the Secretary considers necessary. For this purpose, the Secretary may provide or transfer funds, including reimbursement of amounts paid under this subchapter.

(d) The Secretary may waive the application of this subchapter in whole or in part and for such period or periods as he may fix if he finds that—

(1) conditions prevent the establishment of facilities for processing and adjudicating claims under this section; or

(2) claimants under this section are alien enemies.

(e) The Secretary may apply this section retrospectively with adjustment of compensation and benefits as he considers necessary and proper.

§ 8138. Minimum limit modification for noncitizens and aliens

(a) Except as provided by subsection (b) of this section, the minimum limit on monthly compensation for disability under section 8112 of this title and the minimum limit on monthly pay on which death compensation is computed under section 8133 of this title do not apply in the case of a noncitizen employee, or a class or classes of noncitizen employees, who sustain injury outside the continental United States. The Secretary of Labor may establish a minimum monthly pay on which death compensation is computed in the case of a class or classes of such noncitizen employees.

(b) The President may remove or modify the minimum limit on monthly compensation for disability under section 8112 of this title and the minimum limit on monthly pay on which death compensation is computed under section 8133 of this title in the case of an alien em-

1 employee, or a class or classes of alien employees, of the Canal Zone Gov-
2 ernment or the Panama Canal Company.

3 **§ 8139. Employees of the District of Columbia**

4 Compensation awarded to an employee of the government of the
5 District of Columbia is paid in the manner provided by statute for
6 the payment of the general expenses of the government of the District
7 of Columbia. The Commissioners of the District of Columbia shall
8 submit annually to Congress, through the Bureau of the Budget, esti-
9 mates of appropriations necessary for this purpose.

10 **§ 8140. Members of the Reserve Officers' Training Corps**

11 (a) Subject to the provisions of this section, this subchapter applies
12 to a member of, or applicant for membership in, the Reserve Officers'
13 Training Corps of the Army, Navy, or Air Force who suffers disability
14 or death from an injury incurred in line of duty—

15 (1) while engaged in a flight or in flight instruction under
16 chapter 103 of title 10; or

17 (2) while performing authorized travel to or from, or while
18 attending, field training or a practice cruise under chapter 103
19 of title 10.

20 (b) For the purpose of this section, an injury is incurred in line
21 of duty only if it is the proximate result of the performance of mili-
22 tary training by the member concerned, or of his travel to or from
23 that training, during the periods specified by subsection (a) (2) of
24 this section. A member or applicant for membership who contracts
25 a disease or illness which is the proximate result of the performance
26 of training during the periods specified by subsection (a) (2) of this
27 section is considered for the purpose of this section to have been in-
28 jured in line of duty during that period. Subject to review by the
29 Secretary of Labor, the Secretary of the military department con-
30 cerned, under regulations prescribed by him, shall determine whether
31 or not an injury, disease, or illness was incurred or contracted in line
32 of duty and was the proximate result of the performance of military
33 training by the member concerned or of his travel to or from that
34 military training.

35 (c) In computing the compensation payable under this section, the
36 monthly pay received by the injured member, in cash and kind, is
37 deemed \$150.

38 (d) The Secretary of the military department concerned shall co-
39 operate fully with the Department of Labor in the prompt investiga-
40 tion and prosecution of a case involving the legal liability of a third
41 party other than the United States.

(e) An individual may not receive disability benefits under this section while on active duty with the armed forces, but these benefits may be reinstated when the individual is released from that active duty.

(f) Expenses incurred by a military department in providing hospitalization, medical and surgical care, necessary transportation incident to that hospitalization or medical and surgical care, or in connection with a funeral and burial on behalf of an individual covered by subsection (a) of this section shall be reimbursed by the Secretary of Labor from the Employees' Compensation Fund in accordance with this subchapter. However, reimbursement may not be made for hospitalization or medical or surgical care provided an individual while attending field training or a practice cruise under chapter 103 of title 10.

§ 8141. Civil Air Patrol volunteers.

(a) Subject to the provisions of this section, this subchapter applies to a volunteer civilian member of the Civil Air Patrol, except a Civil Air Patrol Cadet.

(b) In administering this subchapter for a member of the Civil Air Patrol covered by this section—

(1) the monthly pay of a member is deemed \$300 for the purpose of computing compensation for disability or death;

(2) the percentages applicable to payments under section 8133 of this title are—

(A) 45 percent for section 8133(a)(2) of this title, if the member dies fully or currently insured under subchapter II of chapter 7 of title 42, with no additional payments for a child or children while the widow or widower remains eligible for payments under section 8133(a)(2) of this title;

(B) 20 percent for section 8133(a)(3) of this title for one child and 10 percent additional for each additional child, but not to exceed a total of 75 percent, if the member died fully or currently insured under subchapter II of chapter 7 of title 42; and

(C) 25 percent for section 8133(a)(4) of this title, if one parent was wholly dependent on the deceased member at the time of his death and the other was not dependent to any extent; 16 percent to each, if both were wholly dependent; and if one was or both were partly dependent, a proportionate amount in the discretion of the Secretary of Labor;

1 (3) a payment may not be made under section 8133(a)(5) of
2 this title;

3 (4) "performance of duty" means only active service, and
4 travel to and from that service, rendered in performance or sup-
5 port of operational missions of the Civil Air Patrol under direc-
6 tion of the Department of the Air Force and under written
7 authorization by competent authority covering a specific assign-
8 ment and prescribing a time limit for the assignment; and

9 (5) the Secretary of Labor or his designee shall inform the
10 Secretary of Health, Education, and Welfare when a claim is filed
11 and eligibility for compensation is established under section
12 8133(a)(2) or (3) of this title, and the Secretary of Health, Edu-
13 cation, and Welfare shall certify to the Secretary of Labor as to
14 whether or not the member concerned was fully or currently
15 insured under subchapter II of chapter 7 of title 42 at the time of
16 his death.

17 (c) The Secretary of Labor or his designee may inform the Secre-
18 tary of the Air Force or his designee when a claim is filed. The Sec-
19 retary of the Air Force, on request of the Secretary of Labor, shall
20 advise him of the facts concerning the injury and whether or not the
21 member was rendering service, or engaged in travel to or from serv-
22 ice, in performance or support of an operational mission of the Civil
23 Air Patrol at the time of injury. This subsection does not dispense
24 with the report of the immediate superior of the member required
25 by section 8120 of this title, or other reports agreed on under that
26 section.

27 § 8142. Peace Corps volunteers

28 (a) For the purpose of this section, "volunteer" means—

29 (1) a volunteer enrolled in the Peace Corps under section 2504
30 of title 22;

31 (2) a volunteer leader enrolled in the Peace Corps under section
32 2505 of title 22; and

33 (3) an applicant for enrollment as a volunteer or volunteer
34 leader during a period of training under section 2507(a) of title 22
35 before enrollment.

36 (b) Subject to the provisions of this section, this subchapter applies
37 to a volunteer, except that entitlement to disability compensation
38 payments does not commence until the day after the date of termination
39 of his service as a volunteer.

(c) For the purpose of this subchapter—

(1) a volunteer is deemed receiving monthly pay at the minimum rate for GS-7;

(2) a volunteer leader referred to by section 2505 of title 22 is deemed receiving monthly pay at the minimum rate for GS-11;

(3) an injury suffered by a volunteer when he is outside the several States, territories and possessions of the United States, and the District of Columbia is deemed proximately caused by his employment, unless the injury or disease is—

(A) caused by willful misconduct of the volunteer;

(B) caused by the volunteer's intention to bring about the injury or death of himself or of another; or

(C) proximately caused by the intoxication of the injured volunteer; and

(4) the period of service of an individual as a volunteer includes—

(A) any period of training under section 2507(a) of title 22 before enrollment as a volunteer; and

(B) the period between enrollment as a volunteer and the termination of service as a volunteer by the President or by death or resignation.

§ 8143. Job Corps enrollees; volunteers in service to America

(a) Subject to the provisions of this subsection, this subchapter applies to an enrollee in the Job Corps under sections 2711-2720 of title 42, except that compensation for disability does not begin to accrue until the day after the date of termination of his enrollment as an enrollee. In administering this subchapter for an enrollee covered by this subsection—

(1) the monthly pay of an enrollee is deemed \$150 for the purpose of computing compensation for disability or death, except that with respect to compensation for disability accruing after the individual concerned becomes 21 years of age the monthly pay is deemed to be that received at the minimum rate for GS-2;

(2) section 8113(a), (b) of this title applies to an enrollee; and

(3) "performance of duty" does not include an act of an enrollee while—

(A) on authorized leave or pass; or

1 (B) absent from his assigned post of duty, except while
 2 participating in an activity authorized by or under the direc-
 3 tion or supervision of the Job Corps.

4 (b) This subchapter applies to a volunteer in service to America
 5 during training and a volunteer in service to America assigned under
 6 section 2943 (a) (2) of title 42, to the same extent as enrollees of the
 7 Job Corps under subsection (a) of this section.

8 **§ 8144. Student-employees**

9 A student-employee as defined by section 5351 of this title who
 10 suffers disability or death as a result of personal injury arising out of
 11 and in the course of training, or incurred in the performance of duties
 12 in connection with that training, is considered for the purpose of this
 13 subchapter an employee who incurred the injury in the perform-
 14 ance of duty.

15 **§ 8145. Administration**

16 The Secretary of Labor shall administer, and decide all questions
 17 arising under, this subchapter. He may—

- 18 (1) appoint employees to administer this subchapter; and
- 19 (2) delegate to any employee of the Department of Labor any
 20 of the powers conferred on him by this subchapter.

21 **§ 8146. Administration for the Canal Zone and the Alaska Rail-** 22 **road**

23 (a) The President, from time to time, may transfer the administra-
 24 tion of this subchapter—

- 25 (1) so far as employees of the Canal Zone Government and of
 26 the Panama Canal Company are concerned to the Governor of
 27 the Canal Zone; and
- 28 (2) so far as employees of The Alaska Railroad are concerned
 29 to the general manager of The Alaska Railroad.

30 (b) When administration is transferred under subsection (a) of
 31 this section, the expenses incident to physical examinations which are
 32 payable under section 8123 of this title shall be paid from appropria-
 33 tions for the Canal Zone Government or for The Alaska Railroad or
 34 from funds of the Panama Canal Company, as the case may be,
 35 instead of from the Employees' Compensation Fund. The President
 36 may authorize the Governor of the Canal Zone and the general man-
 37 ager of The Alaska Railroad to pay the compensation provided by
 38 this subchapter, including medical, surgical, and hospital services and
 39 supplies under section 8103 of this title and the transportation and
 40 burial expenses under sections 8103 and 8134 of this title, from appro-
 41 priations for the Canal Zone Government and for The Alaska Rail-

1 road, and these appropriations shall be reimbursed for the payments
2 by transfer of funds from the Employees' Compensation Fund.

3 (c) The President may authorize the Governor of the Canal Zone
4 to waive, at his discretion, the making of the claim required by section
5 8121 of this title in the case of compensation to an employee of the
6 Canal Zone Government or of the Panama Canal Company for tem-
7 porary disability, either total or partial.

8 (d) When administration is transferred under subsection (a) of
9 this section to the general manager of The Alaska Railroad, the Secre-
10 tary of Labor is not divested of jurisdiction and a claimant is entitled
11 to appeal from the decision of the general manager of The Alaska Rail-
12 road to the Secretary of Labor. The Secretary on receipt of an appeal
13 shall, or on his own motion may, review the decision of the general
14 manager of The Alaska Railroad, and in accordance with the facts
15 found on review may proceed under section 8128 of this title. The
16 Secretary shall provide the form and manner of taking an appeal.

17 (e) The same right of appeal exists with respect to claims filed by
18 employees of the Canal Zone Government and of the Panama Canal
19 Company or their dependents in case of death, as is provided with
20 respect to the claims of other employees to whom this subchapter
21 applies, under section 8149 of this title. The Employees' Compensa-
22 tion Appeals Board referred to by section 8149 of this title has juris-
23 diction, under regulations prescribed by the Secretary, over appeals
24 relating to claims of the employees or their dependents.

25 § 8147. Employees' Compensation Fund

26 (a) There is in the Treasury of the United States the Employees'
27 Compensation Fund which consists of sums that Congress, from time
28 to time, may appropriate for or transfer to it, and amounts that other-
29 wise accrue to it under this subchapter or other statute. The Fund is
30 available without time limit for the payment of compensation and
31 other benefits and expenses, except administrative expenses, author-
32 ized by this subchapter or any extension or application thereof, except
33 as otherwise provided by this subchapter or other statute. The Secre-
34 tary of Labor shall submit annually to the Bureau of the Budget esti-
35 mates of appropriations necessary for the maintenance of the Fund.

36 (b) Before August 15 of each year, the Secretary shall furnish to
37 each agency and instrumentality of the United States having an em-
38 ployee who is or may be entitled to compensation benefits under this
39 subchapter or any extension or application thereof a statement show-
40 ing the total cost of benefits and other payments made from the Em-
41 ployees' Compensation Fund during the preceding fiscal year on

1 account of the injury or death of employees or individuals under the
 2 jurisdiction of the agency or instrumentality. Each agency and in-
 3 strumentality shall include in its annual budget estimates for the next
 4 fiscal year a request for an appropriation in an amount equal to the
 5 costs. Sums appropriated pursuant to the request shall be deposited in
 6 the Treasury to the credit of the Fund within 30 days after they are
 7 available. An agency or instrumentality not dependent on an annual
 8 appropriation shall make the deposit required by this subsection from
 9 funds under its control. If an agency or instrumentality (or part or
 10 function thereof) is transferred to another agency or instrumentality,
 11 the cost of compensation benefits and other expenses paid from the
 12 Fund on account of the injury or death of employees of the transferred
 13 agency or instrumentality (or part or function) shall be included in
 14 costs of the receiving agency or instrumentality.

15 (c) In addition to the contributions for the maintenance of the
 16 Employees' Compensation Fund required by this section, a mixed
 17 ownership corporation as defined by section 856 of title 31, or any other
 18 corporation or agency or instrumentality (or activity thereof) which
 19 is required by statute to submit an annual budget pursuant to or as
 20 provided by sections 841-869 of title 31, shall pay an additional
 21 amount for its fair share of the cost of administration of this sub-
 22 chapter as determined by the Secretary. With respect to these corpo-
 23 rations, agencies, and instrumentalities, the charges billed by the
 24 Secretary under this section shall include an additional amount for
 25 these costs, which shall be paid into the Treasury as miscellaneous
 26 receipts from the sources authorized and in the manner otherwise
 27 provided by this section.

28 **§ 8148. Reports**

29 The Secretary of Labor shall report to Congress at the beginning of
 30 each regular session on the work for the preceding fiscal year under
 31 this subchapter. The report shall include—

- 32 (1) a detailed statement of appropriations and expenditures;
- 33 (2) a detailed statement showing receipts of and expenditures
- 34 from the Employees' Compensation Fund; and
- 35 (3) his recommendations for legislation.

36 **§ 8149. Regulations**

37 The Secretary of Labor may prescribe rules and regulations neces-
 38 sary for the administration and enforcement of this subchapter. The
 39 rules and regulations shall provide for an Employees' Compensation

1 Appeals Board of three individuals designated or appointed by the
 2 Secretary with authority to hear and, subject to applicable law and
 3 the rules and regulations of the Secretary, make final decisions on
 4 appeals taken from determinations and awards with respect to claims
 5 of employees.

6 **§ 8150. Effect on other statutes**

7 (a) This subchapter does not affect the maritime rights and rem-
 8 edies of a master or member of the crew of a vessel.

9 (b) Section 8141 of this title and section 9441 of title 10 do not
 10 confer military or veteran status on any individual.

11 **SUBCHAPTER II—EMPLOYEES OF NONAPPROPRIATED**
 12 **FUND INSTRUMENTALITIES**

13 **§ 8171. Compensation for work injuries; generally**

14 (a) Chapter 18 of title 33 applies with respect to disability or death
 15 resulting from injury, as defined by section 902(2) of title 33, occurring
 16 to an employee of a nonappropriated fund instrumentality described
 17 by section 2105(c) of this title who is—

18 (1) a United States citizen or a permanent resident of the
 19 United States or a territory or possession of the United States
 20 employed outside the continental United States; or

21 (2) employed inside the continental United States.

22 However, that part of section 903(a) of title 33 which follows the
 23 first comma does not apply to such an employee.

24 (b) For the purpose of this subchapter, the term “employer” in sec-
 25 tion 902(4) of title 33 includes the nonappropriated fund instrumen-
 26 talities described by section 2105(c) of this title.

27 (c) The Secretary of Labor may—

28 (1) extend compensation districts established under section 939

29 (b) of title 33, or establish new districts to include the areas out-
 30 side the continental United States; and

31 (2) assign to each district one or more deputy commissioners
 32 as the Secretary considers advisable.

33 (d) Judicial proceedings under sections 918 and 921 of title 33 with
 34 respect to an injury or death occurring outside the continental United
 35 States shall be instituted in the district court within the territorial
 36 jurisdiction of which is located the office of the deputy commissioner
 37 having jurisdiction with respect to the injury or death.

38 **§ 8172. Employees not citizens or residents of the United States**

1 In case of disability or death resulting from injury, as defined by
 2 section 902(2) of title 33, occurring to an employee of a nonappropri-
 3 ated fund instrumentality described by section 2105(c) of this title
 4 who is—

5 (1) not a citizen or permanent resident of the United States
 6 or a territory or possession of the United States; and

7 (2) employed outside the continental United States;
 8 compensation shall be provided in accordance with regulations pre-
 9 scribed by the Secretary of the military department concerned and
 10 approved by the Secretary of Defense or regulations prescribed by the
 11 Secretary of the Treasury, as the case may be.

12 **§ 8173. Liability under this subchapter exclusive**

13 The liability of the United States or of a nonappropriated fund
 14 instrumentality described by section 2105(c) of this title, with respect
 15 to the disability or death resulting from injury, as defined by section
 16 902(2) of title 33, of an employee referred to by sections 8171 and
 17 8172 of this title, shall be determined as provided by this subchapter.
 18 This liability is exclusive and instead of all other liability of the
 19 United States or the instrumentality to the employee, his legal rep-
 20 resentative, spouse, dependents, next of kin, and any other person
 21 otherwise entitled to recover damages from the United States or the
 22 instrumentality because of the disability or death in a direct judicial
 23 proceeding, in a civil action, or in admiralty, or by an administrative
 24 or judicial proceeding under a workmen's compensation statute or
 25 under a Federal tort liability statute.

26 **CHAPTER 83—RETIREMENT**

27 **SUBCHAPTER I—GENERAL PROVISIONS**

Sec.

8301. Uniform retirement date.

28 **SUBCHAPTER II—FORFEITURE OF ANNUITIES AND**
 29 **RETIRED PAY**

Sec.

8311. Definitions.

8312. Conviction of certain offenses.

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Sec.

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- 8336. Immediate retirement.
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SUBCHAPTER I—GENERAL PROVISIONS

§ 8301. Uniform retirement date

(a) Except as otherwise specifically provided by this title or other statute, retirement authorized by statute is effective on the first day of the month following the month in which retirement would otherwise be effective.

(b) Notwithstanding subsection (a) of this section, the rate of active or retired pay or allowance is computed as of the date retirement would have occurred but for subsection (a) of this section.

SUBCHAPTER II—FORFEITURE OF ANNUITIES AND RETIRED PAY

§ 8311. Definitions

For the purpose of this subchapter—

(1) “employee” means—

(A) an employee as defined by section 2105 of this title;

(B) a Member of Congress as defined by section 2106 of this title and a Delegate to Congress;

(C) a member or former member of a uniformed service; and

(D) an individual employed by the government of the District of Columbia;

(2) “annuity” means a retirement benefit, including a disability insurance benefit and a dependent’s or survivor’s benefit under subchapter II of chapter 7 of title 42, and a monthly annuity under section 228b or 228e of title 45, payable by an agency of the Government of the United States or the government of the District of Columbia on the basis of service as a civilian employee and other service which is creditable to an employee

1 toward the benefit under the statute, regulation, or agreement
2 which provides the benefit, but does not include—

3 (A) a benefit provided under statutes administered by the
4 Veterans' Administration;

5 (B) pay or compensation which may not be diminished
6 under section 1 of Article III of the Constitution of the
7 United States;

8 (C) that portion of a benefit payable under subchapter II
9 of chapter 7 of title 42 which would be payable without tak-
10 ing into account, for any of the purposes of that subchapter,
11 including determinations of periods of disability under sec-
12 tion 416(i) of title 42, pay for services as an employee;

13 (D) monthly annuity awarded under section 228b or 228e
14 of title 45 before September 26, 1961, whether or not com-
15 puted under section 228c(e) of title 45;

16 (E) that portion of an annuity awarded under section 228b
17 or 228e of title 45 after September 25, 1961, which would be
18 payable without taking into account military service credit-
19 able under section 228c-1 of title 45;

20 (F) a retirement benefit, including a disability insurance
21 benefit and a dependent's or survivor's benefit under sub-
22 chapter II of chapter 7 of title 42, awarded before Sep-
23 tember 1, 1954, to an individual or his survivor or beneficiary,
24 insofar as the individual, before September 1, 1954—

25 (i) was convicted of an offense named by subsection
26 (b) of section 8312 of this title, to the extent provided by
27 that subsection; or

28 (ii) violated section 8314 or 8315(a)(1) of this title;
29 or

30 (G) a retirement benefit, including a disability insurance
31 benefit and a dependent's or survivor's benefit under sub-
32 chapter II of chapter 7 of title 42, awarded before September
33 26, 1961, to an individual or his survivor or beneficiary, inso-
34 far as the individual, before September 26, 1961—

35 (i) was convicted of an offense named by subsection
36 (c) of section 8312 of this title, to the extent provided by
37 that subsection; or

38 (ii) violated section 8315(a)(2) of this title; and

39 (3) "retired pay" means retired pay, retirement pay, retainer
40 pay, or equivalent pay, payable under a statute to a member or
41 former member of a uniformed service, and an annuity payable

to an eligible beneficiary of the member or former member under chapter 73 of title 10 or section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504), but does not include—

(A) a benefit provided under statutes administered by the Veterans' Administration;

(B) retired pay, retirement pay, retainer pay, or equivalent pay, awarded before September 1, 1954, to an individual, insofar as the individual, before September 1, 1954—

(i) was convicted of an offense named by subsection (b) of section 8312 of this title, to the extent provided by that subsection; or

(ii) violated section 8314 or 8315(a) (1) of this title;

(C) retired pay, retirement pay, retainer pay, or equivalent pay, awarded before September 26, 1961, to an individual, insofar as the individual, before September 26, 1961—

(i) was convicted of an offense named by subsection (c) of section 8312 of this title, to the extent provided by that subsection; or

(ii) violated section 8315(a) (2) of this title; or

(D) an annuity payable to an eligible beneficiary of an individual under chapter 73 of title 10 or section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504), if the annuity was awarded to the beneficiary, or if retired pay was awarded to the individual, before September 26, 1961, insofar as the individual, on the basis of whose service the annuity was awarded, before September 26, 1961—

(i) was convicted of an offense named by section 8312 of this title, to the extent provided by that section; or

(ii) violated section 8314 or 8315 of this title.

§ 8312. Conviction of certain offenses

(a) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity or retired pay, subject to the exceptions in section 8311 (2) and (3) of this title, if the individual—

(1) was convicted, before, on, or after September 1, 1954, of an offense named by subsection (b) of this section, to the extent provided by that subsection; or

(2) was convicted, before, on, or after September 26, 1961, of an offense named by subsection (c) of this section, to the extent provided by that subsection.

1 The prohibition on payment of annuity or retired pay applies—

2 (A) with respect to the offenses named by subsection (b) of
3 this section, to the period after the date of the conviction or after
4 September 1, 1954, whichever is later; and

5 (B) with respect to the offenses named by subsection (c) of this
6 section, to the period after the date of conviction or after Sep-
7 tember 26, 1961, whichever is later.

8 (b) The following are the offenses to which subsection (a) of this
9 section applies if the individual was convicted before, on, or after
10 September 1, 1954:

11 (1) An offense within the purview of—

12 (A) section 792 (harboring or concealing persons), 793
13 (gathering, transmitting, or losing defense information), 794
14 (gathering or delivering defense information to aid foreign
15 government), or 798 (disclosure of classified information), of
16 chapter 37 (relating to espionage and censorship) of title
17 18;

18 (B) chapter 105 (relating to sabotage) of title 18;

19 (C) section 2381 (treason), 2382 (misprision of treason),
20 2383 (rebellion or insurrection), 2384 (seditious conspiracy),
21 2385 (advocating overthrow of government), 2387 (activities
22 affecting armed forces generally), 2388 (activities affecting
23 armed forces during war), 2389 (recruiting for service
24 against United States), or 2390 (enlistment to serve against
25 United States), of chapter 115 (relating to treason, sedition,
26 and subversive activities) of title 18;

27 (D) section 10(b) (2), (3), or (4) of the Atomic Energy
28 Act of 1946 (60 Stat. 766, 767), as in effect before August
29 30, 1954;

30 (E) section 16(a) or (b) of the Atomic Energy Act of
31 1946 (60 Stat. 773), as in effect before August 30, 1954, inso-
32 far as the offense is committed with intent to injure the United
33 States or with intent to secure an advantage to a foreign
34 nation; or

35 (F) an earlier statute on which a statute named by sub-
36 paragraph (A), (B), or (C) of this paragraph (1) is based.

37 (2) An offense within the purview of—

38 (A) article 104 (aiding the enemy) or article 106 (spies)
39 of the Uniform Code of Military Justice (chapter 47 of title
40 10) or an earlier article on which article 104 or article 106,
41 as the case may be, is based; or

(B) a current article of the Uniform Code of Military Justice (or an earlier article on which the current article is based) not named by subparagraph (A) of this paragraph (2) on the basis of charges and specifications describing a violation of a statute named by paragraph (1), (3), or (4) of this subsection, if the executed sentence includes death, dishonorable discharge, or dismissal from the service, or if the defendant dies before execution of that sentence as finally approved.

(3) Perjury committed under the statutes of the United States or the District of Columbia—

(A) in falsely denying the commission of an act which constitutes an offense within the purview of—

(i) a statute named by paragraph (1) of this subsection; or

(ii) an article or statute named by paragraph (2) of this subsection insofar as the offense is within the purview of an article or statute named by paragraph (1) or (2) (A) of this subsection;

(B) in falsely testifying before a Federal grand jury, court of the United States, or court-martial with respect to his service as an employee in connection with a matter involving or relating to an interference with or endangerment of, or involving or relating to a plan or attempt to interfere with or endanger, the national security or defense of the United States; or

(C) in falsely testifying before a congressional committee in connection with a matter under inquiry before the congressional committee involving or relating to an interference with or endangerment of, or involving or relating to a plan or attempt to interfere with or endanger, the national security or defense of the United States.

(4) Subornation of perjury committed in connection with the false denial or false testimony of another individual as specified by paragraph (3) of this subsection.

(c) The following are the offenses to which subsection (a) of this section applies if the individual was convicted before, on, or after September 26, 1961:

(1) An offense within the purview of—

(A) section 2272 (violation of specific sections) or 2273 (violation of sections generally of chapter 23 of title 42) of

1 title 42 insofar as the offense is committed with intent to
 2 injure the United States or with intent to secure an advantage
 3 to a foreign nation;

4 (B) section 2274 (communication of restricted data), 2275
 5 (receipt of restricted data), or 2276 (tampering with re-
 6 stricted data) of title 42; or

7 (C) section 783 (conspiracy and communication or receipt
 8 of classified information), 822 (conspiracy or evasion of ap-
 9 prehension during internal security emergency), or 823 (aid-
 10 ing evasion of apprehension during internal security emer-
 11 gency) of title 50.

12 (2) An offense within the purview of a current article of the
 13 Uniform Code of Military Justice (chapter 47 of title 10) or an
 14 earlier article on which the current article is based, as the case
 15 may be, on the basis of charges and specifications describing a
 16 violation of a statute named by paragraph (1), (3), or (4) of this
 17 subsection, if the executed sentence includes death, dishonorable
 18 discharge, or dismissal from the service, or if the defendant dies
 19 before execution of that sentence as finally approved.

20 (3) Perjury committed under the statutes of the United States
 21 or the District of Columbia in falsely denying the commission of
 22 an act which constitutes an offense within the purview of a statute
 23 named by paragraph (1) of this subsection.

24 (4) Subornation of perjury committed in connection with the
 25 false denial of another individual as specified by paragraph (3)
 26 of this subsection.

27 **§ 8313. Absence from the United States to avoid prosecution**

28 (a) An individual, or his survivor or beneficiary, may not be paid
 29 annuity or retired pay on the basis of the service of the individual
 30 which is creditable toward the annuity or retired pay, subject to the
 31 exceptions in section 8311 (2) and (3) of this title, if the individual—

32 (1) is under indictment, or has outstanding against him charges
 33 preferred under the Uniform Code of Military Justice—

34 (A) after July 31, 1956, for an offense named by section
 35 8312(b) of this title; or

36 (B) after September 26, 1961, for an offense named by
 37 section 8312(c) of this title; and

38 (2) willfully remains outside the United States, or its terri-
 39 tories and possessions including the Commonwealth of Puerto
 40 Rico, for more than 1 year with knowledge of the indictment or
 41 charges, as the case may be.

(b) The prohibition on payment of annuity or retired pay under subsection (a) of this section applies to the period after the end of the 1-year period and continues until—

(1) a nolle prosequi to the entire indictment is entered on the record or the charges are dismissed by competent authority;

(2) the individual returns and thereafter the indictment or charges is or are dismissed; or

(3) after trial by court or court-martial, the accused is found not guilty of the offense or offenses.

§ 8314. Refusal to testify

(a) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity or retired pay, subject to the exceptions in section 8311 (2) and (3) of this title, if the individual, before, on, or after September 1, 1954, refused or refuses, or knowingly and willfully failed or fails, to appear, testify, or produce a book, paper, record, or other document, relating to his service as an employee, before a Federal grand jury, court of the United States, court-martial, or congressional committee, in a proceeding concerning—

(1) his past or present relationship with a foreign government; or

(2) a matter involving or relating to an interference with or endangerment of, or involving or relating to a plan or attempt to interfere with or endanger, the national security or defense of the United States.

(b) The prohibition on payment of annuity or retired pay under subsection (a) of this section applies to the period after the date of the failure or refusal of the individual, or after September 1, 1954, whichever is later.

§ 8315. Falsifying employment applications

(a) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity or retired pay, subject to the exceptions in section 8311 (2) and (3) of this title, if the individual knowingly and willfully made or makes a false, fictitious, or fraudulent statement or representation, or knowingly and willfully concealed or conceals a material fact—

(1) before, on, or after September 1, 1954, concerning his—

(A) past or present membership in, affiliation or association with, or support of the Communist Party, or a chapter,

1 branch, or subdivision thereof, in or outside the United
2 States, or other organization, party, or group advocating—

3 (i) the overthrow, by force, violence, or other uncon-
4stitutional means, of the Government of the United
5 States;

6 (ii) the establishment, by force, violence, or other
7 unconstitutional means, of a Communist totalitarian dic-
8 tatorship in the United States; or

9 (iii) the right to strike against the United States;

10 (B) conviction of an offense named by subsection (b) of
11 section 8312 of this title, to the extent provided by that
12 subsection; or

13 (C) failure or refusal to appear, testify, or produce a book,
14 paper, record, or other document, as specified by section 8314
15 of this title; or

16 (2) before, on, or after September 26, 1961, concerning his
17 conviction of an offense named by subsection (c) of section 8312
18 of this title, to the extent provided by that subsection;

19 in a document executed by the individual in connection with his em-
20 ployment in, or application for, a civilian or military office or position
21 in or under the legislative, executive, or judicial branch of the Gov-
22 ernment of the United States or the government of the District of
23 Columbia.

24 (b) The prohibition on the payment of annuity or retired pay
25 applies—

26 (1) with respect to matters specified by subsection (a) (1) of
27 this section, to the period after the statement, representation, or
28 concealment of fact is made or occurs, or after September 1, 1954,
29 whichever is later; and

30 (2) with respect to matters specified by subsection (a) (2) of
31 this section, to the period after the statement, representation, or
32 concealment of fact is made or occurs, or after September 26, 1961,
33 whichever is later.

34 § 8316. Refund of contributions and deposits

35 (a) When payment of annuity or retired pay is denied under this
36 subchapter because an individual was convicted of an offense named by
37 section 8312 of this title, to the extent provided by that section, or
38 violated section 8314 or 8315 of this title—

39 (1) the amount, except employment taxes, contributed by the
40 individual toward the annuity, less the amount previously re-
41 funded or paid as annuity benefits; and

(2) deposits made under section 1438 of title 10 or section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504) to provide the eligible beneficiary with annuity for any period, less the amount previously paid as retired pay benefits; shall be refunded, on appropriate application therefor—

(A) to the individual;

(B) if the individual is dead, to the beneficiary designated to receive refunds by or under the statute, regulation, or agreement under which the annuity, the benefits of which are denied under this subchapter, would have been payable; or

(C) if a beneficiary is not designated, in the order of precedence prescribed by section 8342(c) of this title or section 2771 of title 10, as the case may be.

(b) A refund under subsection (a) of this section shall be made with interest at the rate and for the period provided under the statute, regulation, or agreement under which the annuity would have been payable. However, interest may not be computed—

(1) if the individual was convicted of an offense named by section 8312(b) of this title, or violated section 8314 or 8315(a) (1) of this title, for the period after the conviction or commission of the violation, or after September 1, 1954, whichever is later; or

(2) if the individual was convicted of an offense named by section 8312(c) of this title, or violated section 8315(a) (2) of this title, for the period after the conviction or commission of the violation, or after September 26, 1961, whichever is later.

§ 8317. Repayment of annuity or retired pay properly paid; waiver

(a) An individual, or his survivor or beneficiary, to whom payment of annuity is denied under this subchapter is not thereafter required to repay that part of the annuity otherwise properly paid to the individual, or to his survivor or beneficiary on the basis of the service of the individual, which is in excess of the aggregate amount of the contributions of the individual toward the annuity, with applicable interest.

(b) An individual, including an eligible beneficiary under chapter 73 of title 10 or section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504), to whom payment of retired pay is denied under this subchapter is not thereafter required to repay retired pay otherwise properly paid to the individual or beneficiary which is paid in violation of this subchapter.

1 **§ 8318. Restoration of annuity or retired pay**

2 (a) If an individual who was convicted, before, on, or after Septem-
3 ber 1, 1954, of—

4 (1) an offense named by section 8312 of this title; or

5 (2) an offense constituting a violation of section 8314 or 8315 of
6 this title;

7 is pardoned by the President, the right of the individual and his sur-
8 vivor or beneficiary to receive annuity or retired pay previously
9 denied under this subchapter is restored as of the date of the pardon.

10 (b) The President may restore, effective as of the date he prescribes,
11 the right to receive annuity or retired pay which is denied, before, on,
12 or after September 1, 1954, under section 8314 or 8315 of this title, to
13 the individual and to his survivor or beneficiary.

14 (c) Payment of annuity or retired pay which results from pardon
15 or restoration by the President under subsection (a) or (b) of this
16 section may not be made for a period before—

17 (1) the date of pardon referred to by subsection (a) of this
18 section; or

19 (2) the effective date of restoration referred to by subsec-
20 tion (b) of this section.

21 (d) Credit for a period of service covered by a refund under section
22 8316 of this title is allowed only after the amount refunded has been
23 redeposited.

24 **§ 8319. Removal of members of the uniformed services from rolls;**
25 **restoration; reapportionment**

26 (a) The President may drop from the rolls a member of a uni-
27 formed service who is deprived of retired pay under this subchapter.

28 (b) The President may restore—

29 (1) military status to an individual dropped from the rolls to
30 whom retired pay is restored under this subchapter or under sec-
31 tion 2 of the Act of September 26, 1961 (75 Stat. 648); and

32 (2) all rights and privileges to the individual and his bene-
33 ficiaries of which he or they were deprived because his name was
34 dropped from the rolls.

35 (c) If the individual restored was a commissioned officer, the Presi-
36 dent alone may reappoint him to the grade and position on the retired
37 list held when his name was dropped from the rolls.

38 **§ 8320. Offense or violation committed in compliance with orders**

39 When it is established by satisfactory evidence that an individual—

40 (1) was convicted of an offense named by section 8312 of this
41 title; or

(2) violated section 8314 or 8315 of this title;
 as a result of proper compliance with orders issued, in a confidential relationship, by an agency or other authority of the Government of the United States or the government of the District of Columbia, the right to receive annuity or retired pay may not be denied.

§ 8321. Liability of accountable employees

An accountable employee may not be held responsible for a payment made in violation of this subchapter when the payment made is in due course and without fraud, collusion, or gross negligence.

§ 8322. Effect on other statutes

This subchapter does not restrict authority under a statute, other than this subchapter, to deny or withhold benefits authorized by statute.

SUBCHAPTER III—CIVIL SERVICE RETIREMENT

§ 8331. Definitions

For the purpose of this subchapter—

(1) “employee” means—

(A) an employee as defined by section 2105 of this title;

(B) the Architect of the Capitol and an employee of the Architect of the Capitol;

(C) a Congressional employee as defined by section 2107 of this title (except the Architect of the Capitol and an employee of the Architect of the Capitol), after he gives notice in writing to the official by whom he is paid of his desire to come within the purview of this subchapter;

(D) a temporary Congressional employee appointed at an annual rate of pay, after he gives notice in writing to the official by whom he is paid of his desire to come within the purview of this subchapter;

(E) a United States Commissioner whose total pay for services performed as Commissioner is not less than \$3,000 in each of the last 3 consecutive calendar years ending after December 31, 1954;

(F) an individual employed by a county committee established under section 590h(b) of title 16;

(G) an individual employed by the government of the District of Columbia;

(H) an individual employed by Gallaudet College; and

(I) an individual appointed to a position on the office staff of a former President under section 1(b) of the Act of August 25, 1958 (72 Stat. 838);

1 but does not include—

2 (i) a justice or judge of the United States as defined by
3 section 451 of title 28;

4 (ii) an employee subject to another retirement system for
5 Government employees;

6 (iii) an employee or group of employees in or under an
7 Executive agency excluded by the Civil Service Commission
8 under section 8347(g) of this title;

9 (iv) an individual or group of individuals employed by the
10 government of the District of Columbia excluded by the
11 Commission under section 8347(h) of this title;

12 (v) a temporary employee of the Administrative Office of
13 the United States Courts or of a court named by section 610
14 of title 28;

15 (vi) a construction employee or other temporary, part-
16 time, or intermittent employee of the Tennessee Valley
17 Authority;

18 (vii) an employee under the Office of the Architect of the
19 Capitol excluded by the Architect of the Capitol under sec-
20 tion 8347(i) of this title;

21 (viii) an employee under the Library of Congress excluded
22 by the Librarian of Congress under section 8347(j) of this
23 title; or

24 (ix) a student-employee as defined by section 5351 of
25 this title.

26 Notwithstanding this paragraph, the employment of a teacher in
27 the recess period between two school years in a position other
28 than a teaching position in which he served immediately before
29 the recess period does not qualify the individual as an employee
30 for the purpose of this subchapter. For the purpose of the pre-
31 ceding sentence, “teacher” and “teaching position” have the
32 meanings given them by section 901 of title 20;

33 (2) “Member” means a Member of Congress as defined by sec-
34 tion 2106 of this title, and a Delegate to Congress, after he gives
35 notice in writing to the official by whom he is paid of his desire
36 to come within the purview of this subchapter;

37 (3) “basic pay” includes—

38 (A) the amount a Member received from April 1, 1954, to
39 February 28, 1955, as expense allowance under section 601(b)
40 of the Legislative Reorganization Act of 1946 (60 Stat. 850),
41 as amended; and that amount from January 3, 1953, to

March 31, 1954, if deposit is made therefor as provided by section 8334 of this title; and

(B) additional pay provided by—

(i) subsection (a) of section 60e-7 of title 2 and the provisions of law referred to by that subsection; and

(ii) section 60e-8, 60e-9, 60e-10, and 60e-11 of title 2; but does not include bonuses, allowances, overtime pay, military pay, pay given in addition to the base pay of the position as fixed by law or regulation except as provided by subparagraph (B) of this paragraph, retroactive pay under section 5344 of this title in the case of a retired or deceased employee, uniform allowances under section 5901 of this title, or lump-sum leave payments under subchapter VI of chapter 55 of this title. For an employee paid on a fee basis, the maximum amount of basic pay which may be used is \$10,000;

(4) “average pay” means the largest annual rate resulting from averaging an employee’s or Member’s rates of basic pay in effect—

(A) over any 5 consecutive years of creditable service; or

(B) at a Member’s option over all periods of Member service after August 2, 1946, used in the computation of an annuity under this subchapter; with each rate weighted by the time it was in effect;

(5) “Fund” means the Civil Service Retirement and Disability Fund;

(6) “disabled” and “disability” mean totally disabled or total disability, respectively, for useful and efficient service in the grade or class of position last occupied by the employee or Member because of disease or injury not due to vicious habits, intemperance, or willful misconduct on his part within 5 years before becoming so disabled;

(7) “Government” means the Government of the United States, the government of the District of Columbia, and Gallaudet College;

(8) “lump-sum credit” means the unrefunded amount consisting of—

(A) retirement deductions made from the basic pay of an employee or Member;

(B) amounts deposited by an employee or Member covering earlier service; and

1 (C) interest on the deductions and deposits at 4 percent a
 2 year to December 31, 1947, and 3 percent a year thereafter
 3 compounded annually to December 31, 1956, or, in the case of
 4 an employee or Member separated or transferred to a position
 5 not within the purview of this subchapter before he has com-
 6 pleted 5 years of civilian service, to the date of the separation
 7 or transfer;

8 but does not include interest—

9 (i) if the service covered thereby aggregates 1 year or
 10 less; or

11 (ii) for the fractional part of a month in the total service;

12 (9) “annuitant” means a former employee or Member who, on
 13 the basis of his service, meets all requirements of this subchapter
 14 for title to annuity and files claim therefor;

15 (10) “survivor” means an individual entitled to annuity under
 16 this subchapter based on the service of a deceased employee,
 17 Member, or annuitant;

18 (11) “survivor annuitant” means a survivor who files claim for
 19 annuity;

20 (12) “service” means employment creditable under section
 21 8332 of this title;

22 (13) “military service” means honorable active service—

23 (A) in the armed forces;

24 (B) in the Regular or Reserve Corps of the Public Health
 25 Service after June 30, 1960; or

26 (C) as a commissioned officer of the Coast and Geodetic
 27 Survey after June 30, 1961;

28 but does not include service in the National Guard except when
 29 ordered to active duty in the service of the United States;

30 (14) “Member service” means service as a Member and includes
 31 the period from the date of the beginning of the term for which
 32 elected or appointed to the date on which he takes office as a
 33 Member; and

34 (15) “price index” means the annual average over a calendar
 35 year of the Consumer Price Index (all items—United States
 36 city average) published monthly by the Bureau of Labor
 37 Statistics.

38 § 8332. Creditable service

39 (a) The total service of an employee or Member is the full years and
 40 twelfth parts thereof, excluding from the aggregate the fractional
 41 part of a month, if any.

(b) The service of an employee shall be credited from the date of original employment to the date of separation on which title to annuity is based in the civilian service of the Government. Credit may not be allowed for a period of separation from the service in excess of 3 calendar days. The service includes—

(1) employment as a substitute in the postal field service;

(2) service in the Pan American Sanitary Bureau;

(3) subject to sections 8334(c) and 8339(h) of this title, service performed before July 10, 1960, as an employee of a county committee established under section 590h(b) of title 16 or of a committee or an association of producers described by section 610(b) of title 7;

(4) service as a student-employee as defined by section 5351 of this title only if he later becomes subject to this subchapter; and

(5) a period of satisfactory service of a volunteer or volunteer leader under chapter 34 of title 22 only if he later becomes subject to this subchapter.

The Civil Service Commission shall accept the certification of the Secretary of Agriculture or his designee concerning service for the purpose of this subchapter of the type performed by an employee named by paragraph (3) of this subsection. For the purpose of paragraph (5) of this subsection—

(A) a volunteer and a volunteer leader are deemed receiving pay during their service at the respective rates of readjustment allowances payable under sections 2504(c) and 2505(1) of title 22; and

(B) the period of an individual's service as a volunteer or volunteer leader under chapter 34 of title 22 is the period between enrollment as a volunteer or volunteer leader and the termination of that service by the President or by death or resignation.

(c) Except as provided by subsection (d) of this section, an employee or Member shall be allowed credit for periods of military service before the date of the separation on which title to annuity is based. However, if an employee or Member is awarded retired pay on account of military service, his military service may not be credited unless the retired pay is awarded—

(1) on account of a service-connected disability—

(A) incurred in combat with an enemy of the United States; or

1 (B) caused by an instrumentality of war and incurred in
 2 line of duty during a period of war as defined by section 301
 3 of title 38; or

4 (2) under chapter 67 of title 10.

5 (d) For the purpose of section 8339(c) (1) of this title, a Member—

6 (1) shall be allowed credit only for periods of military service
 7 not exceeding 5 years, plus military service performed by the
 8 Member on leaving his office, for the purpose of performing mili-
 9 tary service, during a war or national emergency proclaimed by
 10 the President or declared by Congress and before his final separa-
 11 tion from service as Member; and

12 (2) may not receive credit for military service for which credit
 13 is allowed for purpose of retired pay under other statute.

14 (e) This subchapter does not affect the right of an employee or
 15 Member to retired pay, pension, or compensation in addition to an
 16 annuity payable under this subchapter.

17 (f) Credit shall be allowed for leaves of absence without pay
 18 granted an employee while performing military service or while re-
 19 ceiving benefits under subchapter I of chapter 81 of this title. Except
 20 for a substitute in the postal field service, credit may not be allowed
 21 for so much of other leaves of absence without pay as exceeds 6 months
 22 in the aggregate in a calendar year.

23 (g) An employee who during the period of a war, or of a national
 24 emergency as proclaimed by the President or declared by Congress,
 25 leaves his position to enter the military service is deemed, for the pur-
 26 pose of this subchapter, as not separated from his civilian position be-
 27 cause of that military service, unless he applies for and receives a
 28 lump-sum credit under this subchapter. However, the employee is
 29 deemed as not retaining his civilian position after December 31, 1956,
 30 or after the expiration of 5 years of that military service, whichever
 31 is later.

32 (h) An employee who—

33 (1) has at least 5 years' Member service; and

34 (2) serves as a Member at any time after August 2, 1946;
 35 may not be allowed credit for service which is used in the computation
 36 of an annuity under section 8339(c) of this title.

37 (i) An individual who qualifies as an employee under section
 38 8331(1) (E) of this title is entitled to credit for his service as a United
 39 States Commissioner, which is not credited for the purpose of this

subchapter for service performed by him in a capacity other than Commissioner, on the basis of—

(1) $1/313$ of a year for each day on which he performed service as a Commissioner before July 1, 1945; and

(2) $1/260$ of a year for each day on which he performed service as a Commissioner after June 30, 1945.

Credit for service performed as Commissioner may not exceed 313 days in a year before July 1, 1945, or 260 days in a year after June 30, 1945. For the purpose of this subchapter, the employment and pay of a Commissioner is deemed on a daily basis when actually employed.

(j) Notwithstanding any other provision of this section, military service, except military service covered by military leave with pay from a civilian position, performed by an individual after December 1956, and the period of an individual's service as a volunteer or volunteer leader under chapter 34 of title 22, shall be excluded in determining the aggregate period of service on which an annuity payable under this subchapter to the individual or to his widow or child is based, if the individual, widow, or child is entitled, or would on proper application be entitled, at the time of that determination, to monthly old-age or survivors benefits under section 402 of title 42 based on the individual's wages and self-employment income. If the military service or service as a volunteer or volunteer leader under chapter 34 of title 22 is not excluded by the preceding sentence, but on becoming 62 years of age, the individual or widow becomes entitled, or would on proper application be entitled, to the described benefits, the Civil Service Commission shall redetermine the aggregate period of service on which the annuity is based, effective as of the first day of the month in which he or she becomes 62 years of age, so as to exclude that service. The Secretary of Health, Education, and Welfare, on request of the Commission, shall inform the Commission whether or not the individual, widow, or child is entitled at any named time to the described benefits. For the purpose of this subsection, the period of an individual's service as a volunteer or volunteer leader under chapter 34 of title 22 is the period between enrollment as a volunteer or volunteer leader and termination of that service by the President or by death or resignation.

§ 8333. Eligibility for annuity

(a) An employee must complete at least 5 years of civilian service before he is eligible for an annuity under this subchapter.

1 (b) An employee or Member must complete, within the last 2 years
 2 before any separation from service, except a separation because of
 3 death or disability, at least 1 year of creditable civilian service dur-
 4 ing which he is subject to this subchapter before he or his survivors
 5 are eligible for annuity under this subchapter based on the separation.
 6 If an employee or Member, except an employee or Member separated
 7 from the service because of death or disability, fails to meet the service
 8 requirement of the preceding sentence, the amounts deducted from his
 9 pay during the service for which no eligibility for annuity is estab-
 10 lished based on the separation shall be returned to him on the sepa-
 11 ration. Failure to meet this service requirement does not deprive the
 12 individual or his survivors of annuity rights which attached on a
 13 previous separation.

14 (c) A Member or his survivor is eligible for an annuity under this
 15 subchapter only if the amounts named by section 8334 of this title have
 16 been deducted or deposited with respect to his last 5 years of civilian
 17 service.

18 **§ 8334. Deductions, contributions, and deposits**

19 (a) The employing agency shall deduct and withhold $6\frac{1}{2}$ percent
 20 of the basic pay of an employee and $7\frac{1}{2}$ percent of the basic pay of
 21 a Member, and an equal amount shall be contributed from the appro-
 22 priation or fund used to pay the employee or, in the case of an elected
 23 official, from an appropriation or fund available for payment of other
 24 salaries of the same office or establishment. When an employee in
 25 the legislative branch is paid by the Clerk of the House of Repre-
 26 sentatives, the Clerk may pay from the contingent fund of the House
 27 the contribution that otherwise would be contributed from the appro-
 28 priation or fund used to pay the employee. The amounts so deducted
 29 and withheld, together with the amounts so contributed, shall be de-
 30 posited in the Treasury of the United States to the credit of the Fund
 31 under such procedures as the Comptroller General of the United States
 32 may prescribe. Deposits made by an employee or Member under
 33 this section also shall be credited to the Fund.

34 (b) Each employee or Member is deemed to consent and agree to
 35 these deductions from basic pay. Notwithstanding any law or regu-
 36 lation affecting the pay of an employee or Member, payment less
 37 these deductions is a full and complete discharge and acquittance of
 38 all claims and demands for regular services during the period covered
 39 by the payment, except the right to the benefits to which the employee
 40 or Member is entitled under this subchapter.

(c) Each employee or Member credited with civilian service after July 31, 1920, for which retirement deductions or deposits have not been made, may deposit with interest an amount equal to the following percentages of his basic pay received for that service:

	Percentage of basic pay	Service period
Employee-----	2½-----	August 1, 1920, to June 30, 1926.
	3½-----	July 1, 1926, to June 30, 1942.
	5 -----	July 1, 1942, to June 30, 1948.
	6 -----	July 1, 1948, to October 31, 1956.
	6½-----	After October 31, 1956.
Member for Member service.	2½-----	August 1, 1920, to June 30, 1926.
	3½-----	July 1, 1926, to June 30, 1942.
	5 -----	July 1, 1942, to August 1, 1946.
	6 -----	August 2, 1946, to October 31, 1956.
	7½-----	After October 31, 1956.

(d) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which he may be allowed credit under this subchapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

(e) Interest under subsection (c) or (d) of this section is computed from the mid-point of each service period included in the computation, or from the date refund was paid, to the date of deposit or commencing date of annuity, whichever is earlier. The interest is computed at the rate of 4 percent a year to December 31, 1947, and 3 percent a year thereafter compounded annually. The deposit may be made in one or more installments. Interest may not be charged for a period of separation from the service which began before October 1, 1956.

(f) Under such regulations as the Civil Service Commission may prescribe, amounts deducted under subsection (a) of this section and deposited under subsections (c) and (d) of this section shall be entered on individual retirement records.

(g) Deposit may not be required for—

- (1) service before August 1, 1920;
- (2) military service; or
- (3) service for the Panama Railroad Company before January 1, 1924.

(h) For the purpose of survivor annuity, deposits authorized by subsections (c) and (d) of this section may also be made by the survivor of an employee or Member.

§ 8335. Mandatory separation

1 (a) Except as otherwise provided by this section, an employee who
 2 becomes 70 years of age and completes 15 years of service shall be auto-
 3 matically separated from the service. The separation is effective on
 4 the last day of the month in which the employee becomes 70 years of
 5 age or completes 15 years of service if then over that age, and pay
 6 ends from that day.

7 (b) The employing office shall notify each employee under its
 8 direction of the date of his separation from the service at least 60 days
 9 in advance thereof, and subsection (a) of this section does not take
 10 effect without the consent of the employee until 60 days after he is
 11 so notified.

12 (c) The President, by Executive order, may exempt an employee
 13 from automatic separation under this section when in his judgment the
 14 public interest so requires.

15 (d) The automatic separation provisions of this section do not apply
 16 to—

17 (1) an individual named by a statute providing for the con-
 18 tinuance of the individual in the service;

19 (2) a Member;

20 (3) a Congressional employee; or

21 (4) an employee in the judicial branch appointed to hold
 22 office for a definite term of years.

23 (e) This section applies to an employee of The Alaska Railroad in
 24 Alaska, and to an employee who is a citizen of the United States
 25 employed on the Isthmus of Panama by the Panama Canal Company
 26 or the Canal Zone Government, who becomes 62 years of age and
 27 completes 15 years of service in Alaska or on the Isthmus of Panama.

28 § 8336. Immediate retirement

29 (a) An employee who is separated from the service after becoming
 30 60 years of age and completing 30 years of service is entitled to an
 31 annuity.

32 (b) An employee who is separated from the service after becoming
 33 55 years of age (but before becoming 60 years of age) and completing
 34 30 years of service is entitled to a reduced annuity.

35 (c) An employee, the duties of whose position are primarily the in-
 36 vestigation, apprehension, or detention of individuals suspected or con-
 37 victed of offenses against the criminal laws of the United States,
 38 including an employee engaged in this activity who is transferred to
 39 a supervisory or administrative position, who is separated from the
 40 service after becoming 50 years of age and completing 20 years of

service in the performance of these duties is entitled to an annuity if the head of his agency recommends his retirement and the Civil Service Commission approves that recommendation. The head of the agency and the Commission shall consider fully the degree of hazard to which the employee is subjected in the performance of his duties, instead of the general duties of the class of the position held by the employee. For the purpose of this subsection, "detention" includes the duties of—

(1) employees of the Bureau of Prisons and Federal Prison Industries, Incorporated;

(2) employees of the Public Health Service assigned to the field service of the Bureau of Prisons or of the Federal Prison Industries, Incorporated;

(3) employees in the field service at Army or Navy disciplinary barracks or at confinement and rehabilitation facilities operated by any of the armed forces; and

(4) employees of the Department of Corrections of the District of Columbia, its industries and utilities;

whose duties in connection with individuals in detention suspected or convicted of offenses against the criminal laws of the United States or of the District of Columbia or offenses against the punitive articles of the Uniform Code of Military Justice (chapter 47 of title 10) require frequent (as determined by the appropriate administrative authority with the concurrence of the Commission) direct contact with these individuals in their detention, direction, supervision, inspection, training, employment, care, transportation, or rehabilitation.

(d) An employee who is involuntarily separated from the service, except by removal for cause on charges of misconduct or delinquency, after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to a reduced annuity.

(e) An employee who is separated from the service after becoming 62 years of age and completing 5 years of service is entitled to an annuity.

(f) A Member who is separated from the service after becoming 62 years of age and completing 5 years of civilian service or after becoming 60 years of age and completing 10 years of Member service is entitled to an annuity. A Member who is separated from the service after becoming 55 years of age (but before becoming 60 years of age) and completing 30 years of service is entitled to a reduced annuity. A Member who is separated from the service, except by resignation or

1 expulsion, after completing 25 years of service or after becoming 50
2 years of age and (1) completing 20 years of service or (2) serving in
3 9 Congresses is entitled to a reduced annuity.

4 (g) An annuity or reduced annuity authorized by this section is
5 computed under section 8339 of this title.

6 **§ 8337. Disability retirement**

7 (a) An employee who completes 5 years of civilian service and is
8 found by the Civil Service Commission to have become disabled shall
9 be retired on his own application or on application by his agency. A
10 Member who completes 5 years of Member service and is found by the
11 Commission to have become disabled shall be retired on his own ap-
12 plication. An annuity authorized by this section is computed under
13 section 8339 of this title.

14 (b) A claim may be allowed under this section only if the applica-
15 tion is filed with the Commission before the employee or Member is
16 separated from the service or within 1 year thereafter. This time
17 limitation may be waived by the Commission for an employee or Mem-
18 ber who at the date of separation from service or within 1 year
19 thereafter is mentally incompetent, if the application is filed with the
20 Commission within 1 year from the date of restoration of the em-
21 ployee or Member to competency or the appointment of a fiduciary,
22 whichever is earlier.

23 (c) An annuitant receiving disability retirement annuity from the
24 Fund shall be examined under the direction of the Commission—

25 (1) at the end of 1 year from the date of the disability retire-
26 ment; and

27 (2) annually thereafter until he becomes 60 years of age;
28 unless his disability is permanent in character. If the annuitant fails
29 to submit to examination as required by this section, payment of
30 the annuity shall be suspended until continuance of the disability is
31 satisfactorily established.

32 (d) If an annuitant receiving disability retirement annuity from
33 the Fund, before becoming 60 years of age, recovers from his disability,
34 payment of the annuity terminates on reemployment by the Govern-
35 ment or 1 year after the date of the medical examination showing
36 the recovery, whichever is earlier. If an annuitant receiving dis-
37 ability retirement annuity from the Fund, before becoming 60 years
38 of age, is restored to an earning capacity fairly comparable to the
39 current rate of pay of the position occupied at the time of retirement,
40 payment of the annuity terminates on reemployment by the Govern-
41 ment or 1 year after the end of the calendar year in which earning

capacity is so restored, whichever is earlier. Earning capacity is deemed restored if in each of 2 succeeding calendar years the income of the annuitant from wages or self-employment or both equals at least 80 percent of the current rate of pay of the position occupied immediately before retirement.

(e) If an annuitant whose annuity is terminated under subsection (d) of this section is not reemployed in a position within the purview of this subchapter, he is deemed, except for service credit, to have been involuntarily separated from the service for the purpose of this subchapter as of the date of termination of the disability annuity, and after that termination is entitled to annuity under the applicable provisions of this subchapter. If an annuitant whose annuity is heretofore or hereafter terminated because of an earning capacity provision of this subchapter or an earlier statute—

(1) is not reemployed in a position within the purview of this subchapter; and

(2) has not recovered from the disability for which he was retired;

his annuity shall be restored at the same rate effective the first of the year following any calendar year in which his income from wages or self-employment or both is less than 80 percent of the current rate of pay of the position occupied immediately before retirement. If an annuitant whose annuity is heretofore or hereafter terminated because of a medical finding that he has recovered from disability is not reemployed in a position within the purview of this subchapter, his annuity shall be restored at the same rate effective from the date of medical examination showing a recurrence of the disability. The second and third sentences of this subsection do not apply to an individual who has become 62 years of age and is receiving or is eligible to receive annuity under the first sentence of this subsection.

(f) An individual is not entitled to receive an annuity under this subchapter and compensation for injury or disability to himself under subchapter I of chapter 81 of this title covering the same period of time. This provision does not bar the right of a claimant to the greater benefit conferred by either subchapter for any part of the same period of time. Neither this provision nor any provision of subchapter I of chapter 81 of this title denies to an individual an annuity accruing to him under this subchapter on account of service performed by him, or denies any concurrent benefit to him under subchapter I of chapter 81 of this title on account of the death of another individual.

1 (g) The right of an individual entitled to an annuity under this sub-
 2 chapter is not affected because he has received a lump-sum payment
 3 for compensation under section 8135 of this title. However, if the
 4 annuity is payable on account of the same disability for which com-
 5 pensation under section 8135 of this title has been paid, so much of
 6 the compensation as has been paid for a period extended beyond the
 7 date the annuity becomes effective, as determined by the Department
 8 of Labor, shall be refunded to that Department to be covered into the
 9 Employees' Compensation Fund. Before the individual may receive
 10 the annuity he shall—

11 (1) refund to the Department of Labor the amount represent-
 12 ing the commuted compensation payments for the extended
 13 period; or

14 (2) authorize the deduction of that amount from the annuity
 15 payable to him under this subchapter, which amount shall be
 16 transmitted to the Department of Labor for reimbursement to the
 17 Employees' Compensation Fund.

18 Deductions from the annuity may be made from accrued and accruing
 19 payments. When the Department of Labor finds that the financial
 20 circumstances of the annuitant warrant deferred refunding, deductions
 21 from the annuity may be prorated against and paid from accruing
 22 payments in such manner as that Department determines.

23 § 8338. Deferred retirement

24 (a) An employee who is separated from the service or transferred
 25 to a position not within the purview of this subchapter after complet-
 26 ing 5 years of civilian service is entitled to an annuity beginning at the
 27 age of 62 years.

28 (b) A Member who, after December 31, 1955, is separated from the
 29 service as a Member after completing 5 years of civilian service is en-
 30 titled to an annuity beginning at the age of 62 years. A Member who
 31 is separated from the service after completing 10 or more years of
 32 Member service is entitled to an annuity beginning at the age of 60
 33 years. A Member who is separated from the service after completing
 34 20 or more years of service, including 10 or more years of Member
 35 service, is entitled to a reduced annuity beginning at the age of 50
 36 years.

37 (c) An annuity or reduced annuity authorized by this section is
 38 computed under section 8339 of this title.

39 § 8339. Computation of annuity

40 (a) Except as otherwise provided by this section, the annuity of an
 41 employee retiring under this subchapter is—

(1) $1\frac{1}{2}$ percent of his average pay multiplied by so much of his total service as does not exceed 5 years; plus

(2) $1\frac{3}{4}$ percent of his average pay multiplied by so much of his total service as exceeds 5 years but does not exceed 10 years; plus

(3) 2 percent of his average pay multiplied by so much of his total service as exceeds 10 years.

However, when it results in a larger annuity, 1 percent of his average pay plus \$25 is substituted for the percentage specified by paragraph (1), (2), or (3) of this subsection, or any combination thereof.

(b) The annuity of a Congressional employee, or former Congressional employee, retiring under this subchapter is computed under subsection (a) of this section, except, if he has had—

(1) at least 5 years' service as a Congressional employee or Member or any combination thereof; and

(2) deductions withheld from his pay or has made deposit covering his last 5 years of civilian service;

his annuity is computed, with respect to so much of his service as a Congressional employee and his military service as does not exceed a total of 15 years and any Member service, by multiplying $2\frac{1}{2}$ percent of his average pay by the years of that service.

(c) The annuity of a Member, or former Member with title to Member annuity, retiring under this subchapter is computed under subsection (a) of this section, except, if he has had at least 5 years' service as a Member or Congressional employee or any combination thereof, his annuity is computed with respect to—

(1) his service as a Member and so much of his military service as is creditable for the purpose of this paragraph; and

(2) so much of his Congressional employee service as does not exceed 15 years;

by multiplying $2\frac{1}{2}$ percent of his average pay by the years of that service.

(d) The annuity of an employee retiring under section 8336(c) of this title is 2 percent of his average pay multiplied by his total service.

(e) The annuity computed under subsections (a)–(d) of this section may not exceed 80 percent of—

(1) the average pay of the employee; or

(2) the final basic pay of the Member.

(f) The annuity of an employee or Member retiring under section

1 8337 of this title is at least the smaller of—

2 (1) 40 percent of his average pay; or

3 (2) the sum obtained under subsections (a)–(c) of this section
4 after increasing his service of the type last performed by the
5 period elapsing between the date of separation and the date he
6 becomes 60 years of age.

7 However, this subsection does not increase the annuity of a survivor.

8 (g) The annuity computed under subsections (a)–(c) and (e) of
9 this section for an employee retiring under section 8336 (b) or (d) of
10 this title, or a Member retiring under the second or third sentence of
11 section 8336(f) of this title or the third sentence of section 8338(b)
12 of this title, is reduced by $\frac{1}{12}$ of 1 percent for each full month not in
13 excess of 60 months, and $\frac{1}{6}$ of 1 percent for each full month in excess
14 of 60 months, the employee or Member is under 60 years of age at the
15 date of separation.

16 (h) The annuity computed under subsections (a)–(g) of this sec-
17 tion is reduced by 10 percent of a deposit described by section 8334
18 (c) of this title remaining unpaid, unless the employee or Member
19 elects to eliminate the service involved for the purpose of annuity
20 computation.

21 (i) The annuity computed under subsections (a)–(h) of this sec-
22 tion (excluding any increase because of retirement under section 8337
23 of this title) for a married employee or Member retiring under this
24 subchapter, or any portion of that annuity designated in writing for
25 the purpose of section 8341(b) of this title by the employee or Mem-
26 ber at the time of retirement, is reduced by $2\frac{1}{2}$ percent of so much
27 thereof as does not exceed \$3,600 and by 10 percent of so much thereof
28 as exceeds \$3,600, unless the employee or Member notifies the Civil
29 Service Commission in writing at the time of retirement that he does
30 not desire his spouse to receive an annuity under section 8341(b) of
31 this title.

32 (j) At the time of retiring under section 8336 or 8338 of this title,
33 an unmarried employee or Member who is found to be in good health
34 by the Commission may elect a reduced annuity instead of an annuity
35 computed under subsections (a)–(h) of this section and name in writ-
36 ing an individual having an insurable interest in the employee or
37 Member to receive an annuity under section 8341(c) of this title after
38 the death of the retired employee or Member. The annuity of the
39 employee or Member making the election is reduced by 10 percent,
40 and by 5 percent for each full 5 years the individual named is younger

1 than the retiring employee or Member. However, the total reduc-
2 tion may not exceed 40 percent.

3 (k) The annuity computed under subsections (a)–(j) of this section
4 for an employee who is a citizen of the United States is increased by \$36
5 for each year of service in the employ of—

6 (1) the Alaska Engineering Commission, or The Alaska Rail-
7 road, in Alaska between March 12, 1914, and July 1, 1923; or

8 (2) the Isthmian Canal Commission, or the Panama Railroad
9 Company, on the Isthmus of Panama between May 4, 1904, and
10 April 1, 1914.

11 § 8340. Cost-of-living adjustment of annuities

12 (a) After January 1 of each year the Civil Service Commission
13 shall determine the percent change in the price index from the later
14 of 1962 or the year preceding the most recent cost-of-living adjust-
15 ment to the latest complete year. On the basis of this determination,
16 and effective April 1 of any year after the price index change equals
17 a rise of at least 3 percent, each annuity payable from the Fund which
18 has a commencing date earlier than January 2 of the preceding year
19 shall be increased by the percent rise in the price index adjusted to
20 the nearest $\frac{1}{10}$ of 1 percent.

21 (b) Eligibility for an annuity increase under this section is gov-
22 erned by the commencing date of each annuity payable from the Fund
23 as of the effective date of an increase, except as follows:

24 (1) Effective from the date of the first increase under this
25 section, an annuity payable from the Fund to an annuitant's sur-
26 vivor (except a child entitled under section 8341(e) of this title),
27 which annuity commenced the day after the death of the an-
28 nuitant, shall be increased as provided by subsection (a) of this
29 section if the commencing date of annuity to the annuitant was
30 earlier than January 2 of the year preceding the first increase.

31 (2) Effective from its commencing date, an annuity payable
32 from the Fund to an annuitant's survivor (except a child en-
33 titled under section 8341(e) of this title), which annuity com-
34 mences the day after the death of the annuitant and after the
35 effective date of the first increase under this section, shall be in-
36 creased by the total percent increase the annuitant was receiving
37 under this section at death.

38 (3) For the purpose of computing an annuity which com-
39 mences after the effective date of the first increase under this
40 section to a child under section 8341(e) of this title, the items
41 \$600, \$720, \$1,800, and \$2,160 appearing in section 8341(e) of

1 this title shall be increased by the total percent increase allowed
 2 and in force under this section, and, in case of a deceased an-
 3 nuitant, the items 40 percent and 50 percent appearing in sec-
 4 tion 8341(e) of this title shall be increased by the total percent
 5 increase allowed and in force under this section to the annuitant
 6 at death. Effective from the date of the first increase under this
 7 section, this paragraph applies as if the first increase were in
 8 effect with respect to computation of the annuity of a child under
 9 section 8341(e) of this title which commenced between January 2
 10 of the year preceding the first increase and the effective date of
 11 the first increase.

12 (c) This section does not authorize an increase in an additional
 13 annuity purchased at retirement by voluntary contributions.

14 (d) The monthly installment of annuity after adjustment under
 15 this section is fixed at the nearest dollar.

16 **§ 8341. Survivor annuities**

17 (a) For the purpose of this section—

18 (1) “widow” means the surviving wife of an employee or Mem-
 19 ber who—

20 (A) was married to him for at least 2 years immediately
 21 before his death; or

22 (B) is the mother of issue by that marriage;

23 (2) “widower” means the surviving husband of an employee or
 24 Member who—

25 (A) was married to her for at least 2 years immediately
 26 before her death; or

27 (B) is the father of issue by that marriage;

28 (3) “dependent widower” means a widower who—

29 (A) is incapable of self-support because of mental or
 30 physical disability; and

31 (B) received more than half his support from the em-
 32 ployee or Member; and

33 (4) “child” means—

34 (A) an unmarried child under 18 years of age, including
 35 (i) an adopted child, and (ii) a stepchild or recognized
 36 natural child who received more than half his support from
 37 and lived with the employee or Member in a regular parent-
 38 child relationship;

39 (B) such unmarried child regardless of age who is in-
 40 capable of self-support because of mental or physical disa-
 41 bility incurred before age 18; or

(C) such unmarried child between 18 and 21 years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution.

For the purpose of this paragraph and subsection (e) of this section, a child whose 21st birthday occurs before July 1 or after August 31 of a calendar year, and while he is regularly pursuing such a course of study or training, is deemed to have become 21 years of age on the first day of July after that birthday. A child who is a student is deemed not to have ceased to be a student during an interim between school years if the interim is not more than 4 months and if he shows to the satisfaction of the Civil Service Commission that he has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the school semester (or other period into which the school year is divided) immediately after the interim.

(b) If an employee or Member dies after having retired under this subchapter and is survived by a spouse to whom he was married at the time of retirement, the spouse is entitled to an annuity equal to 55 percent of an annuity computed under section 8339(a)–(h) of this title as may apply with respect to the annuitant, or of such portion thereof as may have been designated for this purpose under section 8339(i) of this title, unless the employee or Member has notified the Commission in writing at the time of retirement that he does not desire his spouse to receive this annuity. The annuity of the spouse commences on the day after the retired employee or Member dies. This annuity and the right thereto terminate on the last day of the month before the spouse dies or remarries.

(c) The annuity of a survivor named under section 8339(j) of this title is 55 percent of the reduced annuity of the retired employee or Member. The annuity of the survivor commences on the day after the retired employee or Member dies. This annuity and the right thereto terminate on the last day of the month before the survivor dies.

(d) If an employee or Member dies after completing at least 5 years of civilian service, the widow or dependent widower of the employee or Member is entitled to an annuity equal to 55 percent of an annuity computed under section 8339(a)–(e) and (h) of this title as may apply with respect to the employee or Member. The annuity of the widow or dependent widower commences on the day after the em-

1 ployee or Member dies. This annuity and the right thereto terminate
2 on the last day of the month before—

3 (1) the widow or dependent widower dies or remarries; or

4 (2) the dependent widower becomes capable of self-support.

5 (e) (1) If an employee or Member dies after completing at least 5
6 years of civilian service, or an employee or Member dies after retiring
7 under this subchapter, and is survived by a spouse, each surviving
8 child who received more than half of his support from the em-
9 ployee or Member is entitled to an annuity equal to the smallest of—

10 (A) 40 percent of the average pay of the employee or Member
11 divided by the number of children;

12 (B) \$600; or

13 (C) \$1,800 divided by the number of children.

14 If the employee or Member is not survived by a spouse, each surviving
15 child is entitled to an annuity equal to the smallest of—

16 (i) 50 percent of the average pay of the employee or Member
17 divided by the number of children;

18 (ii) \$720; or

19 (iii) \$2,160 divided by the number of children.

20 (2) The annuity of the child commences on the day after the em-
21 ployee or Member dies. This annuity granted under this subchapter
22 or under the Act of May 29, 1930, as amended from and after February
23 28, 1948, and the right thereto terminate on the last day of the month
24 before the child—

25 (A) becomes 18 years of age unless incapable of self-support;

26 (B) becomes capable of self-support after age 18; or

27 (C) dies or marries.

28 However, the annuity of a child who is a student as described by sub-
29 section (a) (4) of this section terminates on the last day of the month
30 before he—

31 (i) ceases to be such a student;

32 (ii) becomes 21 years of age; or

33 (iii) dies or marries.

34 On the death of the surviving spouse or termination of the annuity
35 of a child, the annuity of any other child or children shall be recom-
36 puted and paid as though the spouse or child had not survived the
37 employee or Member.

38 (f) If a Member heretofore or hereafter separated from the service
39 with title to deferred annuity from the Fund hereafter dies before
40 having established a valid claim for annuity and is survived by a

1 spouse to whom married at the date of separation, the surviving
2 spouse—

3 (1) is entitled to an annuity equal to 55 percent of the deferred
4 annuity of the Member commencing on the day after the Member
5 dies and terminating on the last day of the month before the sur-
6 viving spouse dies or remarries; or

7 (2) may elect to receive the lump-sum credit instead of annuity
8 if the spouse is the individual who would be entitled to the lump-
9 sum credit and files application therefor with the Commission be-
10 fore the award of the annuity.

11 **§ 8342. Lump-sum benefits; designation of beneficiary; order of**
12 **precedence**

13 (a) An employee or Member who is separated from the service, or is
14 transferred to a position not within the purview of this subchapter, is
15 entitled to be paid the lump-sum credit if his separation or transfer
16 occurs and application for payment is filed with the Civil Service
17 Commission at least 31 days before the earliest commencing date of
18 any annuity for which he is eligible. The receipt of payment of the
19 lump-sum credit by the individual voids all annuity rights under this
20 subchapter, until he is reemployed in the service subject to this sub-
21 chapter. This subsection also applies to an employee or Member
22 separated before October 1, 1956, after completing at least 20 years of
23 civilian service.

24 (b) Under regulations prescribed by the Commission, a present or
25 former employee or Member may designate a beneficiary or benefici-
26 aries for the purpose of this subchapter.

27 (c) Lump-sum benefits authorized by subsections (d)–(f) of this
28 section shall be paid to the person or persons surviving the employee
29 or Member and alive at the date title to the payment arises in the fol-
30 lowing order of precedence, and the payment bars recovery by any
31 other person:

32 First, to the beneficiary or beneficiaries designated by the em-
33 ployee or Member in a writing received in the Commission before
34 his death.

35 Second, if there is no designated beneficiary, to the widow or
36 widower of the employee or Member.

37 Third, if none of the above, to the child or children of the
38 employee or Member and descendants of deceased children by
39 representation.

40 Fourth, if none of the above, to the parents of the employee or
41 Member or the survivor of them.

1 Fifth, if none of the above, to the duly appointed executor or
2 administrator of the estate of the employee or Member.

3 Sixth, if none of the above, to such other next of kin of the
4 employee or Member as the Commission determines to be entitled
5 under the laws of the domicile of the employee or Member at the
6 date of his death.

7 (d) If an employee or Member dies—

8 (1) without a survivor; or

9 (2) with a survivor or survivors and the right of all survivors
10 terminates before a claim for survivor annuity is filed;
11 or if a former employee or Member not retired dies, the lump-sum
12 credit shall be paid.

13 (e) If all annuity rights under this subchapter based on the service
14 of a deceased employee or Member terminate before the total annuity
15 paid equals the lump-sum credit, the difference shall be paid.

16 (f) If an annuitant dies, annuity accrued and unpaid shall be paid.

17 (g) Annuity accrued and unpaid on the termination, except by
18 death, of the annuity of an annuitant or survivor annuitant shall be
19 paid to that individual. Annuity accrued and unpaid on the death of
20 a survivor annuitant shall be paid in the following order of prece-
21 dence, and the payment bars recovery by any other person:

22 First, to the duly appointed executor or administrator of the
23 estate of the survivor annuitant.

24 Second, if there is no executor or administrator, payment may
25 be made, after 30 days from the date of death of the survivor
26 annuitant, to such next of kin of the survivor annuitant as the
27 Commission determines to be entitled under the laws of the
28 domicile of the survivor annuitant at the date of his death.

29 (h) Amounts deducted and withheld from the basic pay of an em-
30 ployee or Member from the first day of the first month which begins
31 after he has performed sufficient service (excluding service which the
32 employee or Member elects to eliminate for the purpose of annuity
33 computation under section 8339 of this title) to entitle him to the
34 maximum annuity provided by section 8339 of this title, together
35 with interest on the amounts at the rate of 3 percent a year com-
36 pounded annually from the date of the deductions to the date of
37 retirement or death, shall be applied toward any deposit due under
38 section 8334 of this title, and any balance not so required is deemed
39 a voluntary contribution for the purpose of section 8343 of this title.

40 (i) An employee who—

41 (1) is separated from the service before July 12, 1960; and

(2) continues in the service after July 12, 1960, without break in service of 1 workday or more; is entitled to the benefits of subsection (h) of this section.

§ 8343. Additional annuities; voluntary contributions

(a) Under regulations prescribed by the Civil Service Commission, an employee or Member may voluntarily contribute additional sums in multiples of \$25, but the total may not exceed 10 percent of his basic pay for creditable service after July 31, 1920. The voluntary contribution account in each case is the sum of unrefunded contributions, plus interest at 3 percent a year compounded annually to—

(1) the date of payment under subsection (d) of this section, separation, or transfer to a position not within the purview of this subchapter, whichever is earliest; or

(2) the commencing date fixed for a deferred annuity or date of death, whichever is earlier, in the case of an individual who is separated with title to deferred annuity and does not claim the voluntary contribution account.

(b) The voluntary contribution account is used to purchase at retirement an annuity in addition to the annuity otherwise provided. For each \$100 in the voluntary contribution account, the additional annuity consists of \$7, increased by 20 cents for each full year, if any, the employee or Member is over 55 years of age at the date of retirement.

(c) A retiring employee or Member may elect a reduced additional annuity instead of the additional annuity described by subsection (b) of this section and designate in writing an individual to receive after his death an annuity of 50 percent of his reduced additional annuity. The additional annuity of the employee or Member making the election is reduced by 10 percent, and by 5 percent for each full 5 years the individual designated is younger than the retiring employee or Member. However, the total reduction may not exceed 40 percent.

(d) A present or former employee or Member is entitled to be paid the voluntary contribution account if he files application for payment with the Commission before receiving an additional annuity. An individual who has been paid the voluntary contribution account may not again deposit additional sums under this section until, after a separation from the service of more than 3 calendar days, he again becomes subject to this subchapter.

(e) If a present or former employee or Member not retired dies, the voluntary contribution account is paid under section 8342(c) of this title. If all additional annuities or any right thereto based on the

1 voluntary contribution account of a deceased employee or Member
 2 terminate before the total additional annuity paid equals the account,
 3 the difference is paid under section 8342(c) of this title.

4 **§ 8344. Annuities and pay on reemployment**

5 (a) If an annuitant receiving annuity from the Fund, except—

6 (1) a disability annuitant whose annuity is terminated because
 7 of his recovery or restoration of earning capacity;

8 (2) an annuitant whose annuity is based on an involuntary
 9 separation from the service other than an automatic separation;

10 or

11 (3) a Member receiving annuity from the Fund;

12 becomes employed after September 30, 1956, or on July 31, 1956 was
 13 serving, in an appointive or elective position, his service on and after
 14 the date he was or is so employed is covered by this subchapter.
 15 Deductions for the Fund may not be withheld from his pay. An
 16 amount equal to the annuity allocable to the period of actual employ-
 17 ment shall be deducted from his pay. If the annuitant serves on a
 18 full-time basis, except as President, for at least 1 year in employment
 19 not excluding him from coverage under section 8331(1)(i) or (ii) of
 20 this title—

21 (A) his annuity on termination of employment is increased by
 22 an annuity computed under section 8339 (a), (b), (d), (g), and
 23 (h) of this title as may apply based on the period of employment
 24 and the basic pay, before deduction, averaged during that em-
 25 ployment; and

26 (B) his lump-sum credit may not be reduced by annuity paid
 27 during that employment.

28 If the described employment of the annuitant continues for at least
 29 5 years, he may elect, instead of the benefits provided by this subsec-
 30 tion, to deposit in the Fund an amount computed under section 8334(c)
 31 of this title covering that employment and have his rights redetermined
 32 under this subchapter. A similar right to redetermination after
 33 deposit is applicable to an annuitant—

34 (i) whose annuity is based on an involuntary separation from
 35 the service; and

36 (ii) who is separated after October 3, 1961, following a period
 37 of employment on a full-time basis which began before October
 38 1, 1956.

39 The employment of an annuitant under this subsection does not create
 40 an annuity for or affect the annuity of a survivor.

(b) If a Member receiving annuity from the Fund becomes employed in an appointive or elective position, annuity payments are discontinued during the employment and resumed in the same amount on termination of the employment, except that—

(1) the retired Member or Member separated with title to immediate or deferred annuity, who serves at any time after separation as a Member in an appointive position in which he is within the purview of this subchapter, is entitled, if he so elects, to have his Member annuity computed or recomputed as if the service had been performed before his separation as a Member and the annuity as so computed or recomputed is effective—

(A) the day Member annuity commences; or

(B) the day after the date of separation from the appointive position;
whichever is later;

(2) if the retired Member becomes employed after December 31, 1958, in an appointive position on an intermittent-service basis—

(A) his annuity continues during the employment and is not increased as a result of service performed during that employment;

(B) retirement deductions may not be withheld from his pay;

(C) an amount equal to the annuity allocable to the period of actual employment shall be deducted from his pay; and

(D) the amounts so deducted shall be deposited in the Treasury of the United States to the credit of the Fund;

(3) if the retired Member becomes employed after December 31, 1958, in an appointive position without pay on a full-time or substantially full-time basis, his annuity continues during the employment and is not increased as a result of service performed during the employment; and

(4) if the retired Member takes office as Member and gives notice as provided by section 8331(2) of this title, his service as Member during that period shall be credited in determining his right to and the amount of later annuity.

This subsection does not apply to a Member appointed by the President to a position not requiring confirmation by the Senate.

§ 8345. Payment of benefits; commencement, termination, and waiver of annuity

1 (a) Each annuity is stated as an annual amount, one-twelfth of
2 which, fixed at the nearest dollar, constitutes the monthly rate payable
3 on the first business day of the month after the month or other period
4 for which it has accrued.

5 (b) Except as otherwise provided, the annuity of an employee or
6 Member commences on the day after he is separated from the service,
7 or on the day after his pay ceases and he meets the service and the age
8 or disability requirements for title to annuity. An annuity payable
9 from the Fund allowed after September 5, 1960, commences on the
10 day after the occurrence of the event on which payment thereof is
11 based.

12 (c) The annuity of a retired employee or Member terminates on the
13 day death or other terminating event provided by this subchapter
14 occurs. The annuity of a survivor terminates on the last day of the
15 month before death or other terminating event occurs.

16 (d) An individual entitled to annuity from the Fund may decline
17 to accept all or any part of the annuity by a waiver signed and filed
18 with the Civil Service Commission. The waiver may be revoked in
19 writing at any time. Payment of the annuity waived may not be
20 made for the period during which the waiver was in effect.

21 (e) Payment due a minor, or an individual mentally incompetent or
22 under other legal disability, may be made to the person who is con-
23 stituted guardian or other fiduciary by the law of the State of residence
24 of the claimant or is otherwise legally vested with the care of the
25 claimant or his estate. If a guardian or other fiduciary of the indi-
26 vidual under legal disability has not been appointed under the law
27 of the State of residence of the claimant, payment may be made to any
28 person who, in the judgment of the Commission, is responsible for
29 the care of the claimant, and the payment bars recovery by any other
30 person.

31 **§ 8346. Exemption from legal process; recovery of payments**

32 (a) The money mentioned by this subchapter is not assignable, either
33 in law or equity, or subject to execution, levy, attachment, garnish-
34 ment, or other legal process.

35 (b) Recovery of payments under this subchapter may not be made
36 from an individual when, in the judgment of the Civil Service Com-
37 mission, the individual is without fault and recovery would be against
38 equity and good conscience. Withholding or recovery of money
39 mentioned by this subchapter on account of a certification or payment
40 made by a former employee of the United States in the discharge of
41 his official duties may be made only if the head of the agency on behalf

1 of which the certification or payment was made certifies to the Com-
2 mission that the certification or payment involved fraud on the part
3 of the former employee.

4 **§ 8347. Administration; regulations**

5 (a) The Civil Service Commission shall administer this subchapter.
6 Except as otherwise specifically provided herein, the Commission shall
7 perform, or cause to be performed, such acts and prescribe such regu-
8 lations as are necessary and proper to carry out this subchapter.

9 (b) Applications under this subchapter shall be in such form as the
10 Commission prescribes. Agencies shall support the applications by
11 such certificates as the Commission considers necessary to the deter-
12 mination of the rights of applicants. The Commission shall adjudi-
13 cate all claims under this subchapter.

14 (c) The Commission shall determine questions of disability and
15 dependency arising under this subchapter. The decisions of the Com-
16 mission concerning these matters are final and conclusive and are not
17 subject to review. The Commission may direct at any time such medi-
18 cal or other examinations as it considers necessary to determine the
19 facts concerning disability or dependency of an individual receiving or
20 applying for annuity under this subchapter. The Commission may
21 suspend or deny annuity for failure to submit to examination.

22 (d) An administrative action or order affecting the rights or inter-
23 ests of an individual or of the United States under this subchapter
24 may be appealed to the Commission under procedures prescribed by
25 the Commission.

26 (e) The Commission shall fix the fees for examinations made under
27 this subchapter by physicians or surgeons who are not medical officers
28 of the United States. The fees and reasonable traveling and other
29 expenses incurred in connection with the examinations are paid from
30 appropriations for the cost of administering this subchapter.

31 (f) The Commission shall select three actuaries, to be known as the
32 Board of Actuaries of the Civil Service Retirement System. The
33 Commission shall fix the pay of the members of the Board, except
34 members otherwise in the employ of the United States. The Board
35 shall report annually on the actuarial status of the System and furnish
36 its advice and opinion on matters referred to it by the Commission.
37 The Board may recommend to the Commission and to Congress
38 such changes as in the Board's judgment are necessary to protect the
39 public interest and maintain the System on a sound financial basis.
40 The Commission shall keep, or cause to be kept, such records as it con-
41 siders necessary for making periodic actuarial valuations of the Sys-

1 tem. The Board shall make actuarial valuations every 5 years, or
2 oftener if considered necessary by the Commission.

3 (g) The Commission may exclude from the operation of this sub-
4 chapter an employee or group of employees in or under an Executive
5 agency whose employment is temporary or intermittent.

6 (h) The Commission, on recommendation by the Commissioners of
7 the District of Columbia, may exclude from the operation of this sub-
8 chapter an individual or group of individuals employed by the govern-
9 ment of the District of Columbia whose employment is temporary or
10 intermittent.

11 (i) The Architect of the Capitol may exclude from the operation
12 of this subchapter an employee under the Office of the Architect of
13 the Capitol whose employment is temporary or of uncertain duration.

14 (j) The Librarian of Congress may exclude from the operation of
15 this subchapter an employee under the Library of Congress whose
16 employment is temporary or of uncertain duration.

17 (k) The Secretary of Agriculture shall prescribe regulations to
18 effect the application and operation of this subchapter to an individual
19 named by section 8331(1) (F) of this title.

20 **§ 8348. Civil Service Retirement and Disability Fund**

21 (a) There is a Civil Service Retirement and Disability Fund. The
22 Fund is appropriated for the payment of benefits as provided by this
23 subchapter.

24 (b) The Secretary of the Treasury may accept and credit to the
25 Fund money received in the form of a donation, gift, legacy, or be-
26 quest, or otherwise contributed for the benefit of civil-service em-
27 ployees generally.

28 (c) The Secretary shall immediately invest in interest-bearing
29 securities of the United States such currently available portions of the
30 Fund as are not immediately required for payments from the Fund.
31 The income derived from these investments constitutes a part of the
32 Fund.

33 (d) The purposes for which obligations of the United States may be
34 issued under the Second Liberty Bond Act, as amended, are extended
35 to authorize the issuance at par of public-debt obligations for pur-
36 chase by the Fund. The obligations issued for purchase by the Fund
37 shall have maturities fixed with due regard for the needs of the Fund
38 and bear interest at a rate equal to the average market yield computed
39 as of the end of the calendar month next preceding the date of the
40 issue, borne by all marketable interest-bearing obligations of the
41 United States then forming a part of the public debt which are not due

or callable until after the expiration of 4 years from the end of that calendar month. If the average market yield is not a multiple of $\frac{1}{8}$ of 1 percent, the rate of interest on the obligations shall be the multiple of $\frac{1}{8}$ of 1 percent nearest the average market yield.

(e) The Secretary may purchase other interest-bearing obligations of the United States, or obligations guaranteed as to both principal and interest by the United States, on original issue or at the market price only if he determines that the purchases are in the public interest.

(f) The Civil Service Commission shall submit estimates of the appropriations necessary to finance the Fund on a normal cost plus interest basis and to carry out this subchapter.

(g) Money now or hereafter contained in the Fund may not be used to pay an increase in annuity benefits or a new annuity benefit under this subchapter or an earlier statute which is authorized by amendment thereof until and unless an appropriation is made to the Fund in an amount which the Commission estimates to be sufficient to prevent an immediate increase in the unfunded accrued liability of the Fund.

CHAPTER 85—UNEMPLOYMENT COMPENSATION

SUBCHAPTER I—EMPLOYEES GENERALLY

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SUBCHAPTER I—EMPLOYEES GENERALLY

§ 8501. Definitions

For the purpose of this subchapter—

(1) "Federal service" means service performed after 1952 in the employ of the United States, an instrumentality of the United States which is wholly or partially owned by the United States, a Federal land bank, a Federal intermediate credit bank, and a bank for cooperatives, but does not include service (except service to which subchapter II of this chapter applies) performed—

(A) by an elective official in the executive or legislative branch;

1 (B) as a member of the armed forces;

2 (C) by foreign service personnel for whom special sepa-
3 ration allowances are provided under chapter 14 of title 22;

4 (D) outside the United States, the Commonwealth of
5 Puerto Rico, and the Virgin Islands by an individual who is
6 not a citizen of the United States;

7 (E) by an individual excluded by regulations of the Civil
8 Service Commission from the operation of subchapter III
9 of chapter 83 of this title because he is paid on a contract or
10 fee basis;

11 (F) by an individual receiving nominal pay and allow-
12 ances of \$12 or less a year;

13 (G) in a hospital, home, or other institution of the United
14 States by a patient or inmate thereof;

15 (H) by a student-employee as defined by section 5351 of
16 this title;

17 (I) by an individual serving on a temporary basis in case
18 of fire, storm, earthquake, flood, or other similar emergency;

19 (J) by an individual employed under a Federal relief
20 program to relieve him from unemployment;

21 (K) as a member of a State, county, or community com-
22 mittee under the Agricultural Stabilization and Conservation
23 Service or of any other board, council, committee, or other
24 similar body, unless the board, council, committee, or other
25 body is composed exclusively of individuals otherwise in the
26 full-time employ of the United States; or

27 (L) by an officer or a member of the crew on or in con-
28 nection with an American vessel—

29 (i) owned by or bareboat chartered to the United
30 States; and

31 (ii) whose business is conducted by a general agent
32 of the Secretary of Commerce;

33 if contributions on account of the service are required to be
34 made to an unemployment fund under a State unemployment
35 compensation statute under section 3305(g) of title 26;

36 (2) "Federal wages" means all pay and allowances, in cash
37 and in kind, for Federal service;

38 (3) "Federal employee" means an individual who has per-
39 formed Federal service;

(4) "compensation" means cash benefits payable to an individual with respect to his unemployment including any portion thereof payable with respect to dependents;

(5) "benefit year" means the benefit year as defined by the applicable State unemployment compensation statute, and if not so defined the term means the period prescribed in the agreement under this subchapter with a State or, in the absence of such an agreement, the period prescribed by the Secretary of Labor; and

(6) "State" means the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

§ 8502. Compensation under State agreement

(a) The Secretary of Labor, on behalf of the United States, may enter into an agreement with a State, or with an agency administering the unemployment compensation statute of a State, under which the State agency shall—

(1) pay, as agent of the United States, compensation under this subchapter to Federal employees; and

(2) otherwise cooperate with the Secretary and with other State agencies in paying compensation under this subchapter.

(b) Except as provided by subsection (c) of this section, the agreement shall provide that compensation will be paid by the State to a Federal employee in the same amount, on the same terms, and subject to the same conditions as the compensation which would be payable to him under the unemployment compensation statute of the State if his Federal service and Federal wages assigned under section 8504 of this title to the State had been included as employment and wages under that State statute.

(c) In the case of the Commonwealth of Puerto Rico, the agreement shall provide that compensation will be paid by the Commonwealth to a Federal employee whose Federal service and Federal wages are assigned under section 8504 of this title to the Commonwealth (but only in the case of weeks of unemployment beginning before January 1, 1966), in the same amount, on the same terms, and subject to the same conditions as the compensation which would be payable to him under the unemployment compensation statute of the District of Columbia if his Federal service and Federal wages had been included as employment and wages under that statute. However, if the Federal employee, without regard to his Federal service and Federal wages, has employment or wages sufficient to qualify for compensation during the benefit year under that statute, then payments of compensation under this subsection may be made only on

1 the basis of his Federal service and Federal wages. In applying
 2 this subsection, employment and wages under the unemployment com-
 3 pensation statute of the Commonwealth may not be combined with
 4 Federal service or Federal wages.

5 (d) A determination by a State agency with respect to entitlement
 6 to compensation under an agreement is subject to review in the same
 7 manner and to the same extent as determinations under the State
 8 unemployment compensation statute, and only in that manner and to
 9 that extent.

10 (e) Each agreement shall provide the terms and conditions on which
 11 it may be amended or terminated.

12 **§ 8503. Compensation absent State agreement**

13 (a) In the case of a Federal employee whose Federal service and
 14 Federal wages are assigned under section 8504 of this title to a State
 15 which does not have an agreement with the Secretary of Labor, the
 16 Secretary, under regulations prescribed by him, shall, on the filing
 17 by the Federal employee of a claim for compensation under this sub-
 18 section, pay compensation to him in the same amount, on the same
 19 terms, and subject to the same conditions as would be paid to him
 20 under the unemployment compensation statute of the State if his
 21 Federal service and Federal wages had been included as employment
 22 and wages under that State statute. However, if the Federal em-
 23 ployee, without regard to his Federal service and Federal wages,
 24 has employment or wages sufficient to qualify for compensation dur-
 25 ing the benefit year under that State statute, then payments of
 26 compensation under this subsection may be made only on the basis
 27 of his Federal service and Federal wages. For the purpose of this
 28 subsection, "State" does not include the Commonwealth of Puerto
 29 Rico in the case of weeks of unemployment beginning before January
 30 1, 1966.

31 (b) In the case of a Federal employee whose Federal service and
 32 Federal wages are assigned under section 8504 of this title to—

33 (1) the Virgin Islands; or

34 (2) the Commonwealth of Puerto Rico with respect to weeks of
 35 unemployment beginning before January 1, 1966;

36 the Secretary, under regulations prescribed by him and on the filing
 37 of a claim for compensation under this subsection by the Federal
 38 employee, shall pay the compensation to him in the same amounts, on
 39 the same terms, and subject to the same conditions as would be paid
 40 to him under the unemployment compensation statute of the District
 41 of Columbia if his Federal service and Federal wages had been in-

cluded as employment and wages under that statute. However, if the Federal employee, without regard to his Federal service and Federal wages, has employment or wages sufficient to qualify for compensation during the benefit year under that statute, then payments of compensation under this subsection may be made only on the basis of his Federal service and Federal wages. In the case of weeks of unemployment beginning before January 1, 1966, this subsection applies with respect to the Commonwealth of Puerto Rico only if the Commonwealth does not have an agreement under this subchapter with the Secretary. In applying this subsection, employment and wages under the unemployment compensation statute of the Commonwealth may not be combined with Federal service or Federal wages.

(c) A Federal employee whose claim for compensation under subsection (a) or (b) of this section is denied is entitled to a fair hearing under regulations prescribed by the Secretary. A final determination by the Secretary with respect to entitlement to compensation under this section is subject to review by the courts in the same manner and to the same extent as is provided by section 405(g) of title 42.

(d) For the purpose of this section, the Secretary may—

(1) use the personnel and facilities of the agency in the Virgin Islands cooperating with the United States Employment Service under chapter 4B of title 29; and

(2) delegate to officials of that agency the authority granted to him by this section when he considers the delegation to be necessary in carrying out the purpose of this subchapter.

For the purpose of payments made to that agency under chapter 4B of title 29, the furnishing of the personnel and facilities is deemed a part of the administration of the public employment offices of that agency.

§ 8504. Assignment of Federal service and wages

Under regulations prescribed by the Secretary of Labor, the Federal service and Federal wages of a Federal employee shall be assigned to the State in which he had his last official station in Federal service before the filing of his first claim for compensation for the benefit year. However—

(1) if, at the time of filing his first claim, he resides in another State in which he performed, after the termination of his Federal service, service covered under the unemployment compensation statute of the other State, his Federal service and Federal wages shall be assigned to the other State;

1 (2) if his last official station in Federal service, before filing
2 his first claim, was outside the United States, his Federal service
3 and Federal wages shall be assigned to the State where he resides
4 at the time he files his first claim; and

5 (3) if his first claim is filed—

6 (A) before January 1, 1966, while he is residing in the
7 Commonwealth of Puerto Rico; or

8 (B) while he is residing in the Virgin Islands;

9 his Federal service and Federal wages shall be assigned to the
10 one in which he resides.

11 In the case of a first claim filed before January 1, 1966, "United
12 States" in paragraph (2) of this section does not include the Common-
13 wealth of Puerto Rico.

14 **§ 8505. Payments to States**

15 (a) Each State is entitled to be paid by the United States an amount
16 equal to the additional cost to the State of payments of compensation
17 in accordance with an agreement under this subchapter which would
18 not have been made by the State but for the agreement.

19 (b) Each State shall be paid, either in advance or by way of reim-
20 bursement, as may be determined by the Secretary of Labor, the sum
21 that the Secretary estimates the State is entitled to receive under this
22 subchapter for each calendar month. The sum shall be reduced or
23 increased by the amount which the Secretary finds that his estimate
24 for an earlier calendar month was greater or less than the sum which
25 should have been paid to the State. An estimate may be made on the
26 basis of a statistical, sampling, or other method agreed on by the
27 Secretary and the State agency.

28 (c) The Secretary, from time to time, shall certify to the Secretary
29 of the Treasury the sum payable to each State under this section.
30 The Secretary of the Treasury, before audit or settlement by the
31 General Accounting Office, shall pay the State in accordance with the
32 certification from the funds for carrying out the purposes of this sub-
33 chapter.

34 (d) Money paid a State under this subchapter may be used solely
35 for the purposes for which it is paid. Money so paid which is not
36 used for these purposes shall be returned, at the time specified by the
37 agreement, to the Treasury of the United States and credited to cur-
38 rent applicable appropriations, funds, or accounts from which pay-
39 ments to States under this subchapter may be made.

(e) An agreement may—

(1) require each State officer or employee who certifies payments or disburses funds under the agreement, or who otherwise participates in its performance, to give a surety bond to the United States in the amount the Secretary considers necessary; and

(2) provide for payment of the cost of the bond from funds for carrying out the purposes of this subchapter.

(f) In the absence of gross negligence or intent to defraud the United States, an individual designated by the Secretary, or designated under an agreement, as a certifying official is not liable for the payment of compensation certified by him under this subchapter.

(g) In the absence of gross negligence or intent to defraud the United States, a disbursing official is not liable for a payment by him under this subchapter if it was based on a voucher signed by a certifying official designated as provided by subsection (f) of this section.

(h) For the purpose of payments made to a State under subchapter III of chapter 7 of title 42, administration by a State agency under an agreement is deemed a part of the administration of the State unemployment compensation statute.

§ 8506. Dissemination of information

(a) Each agency of the United States, wholly or partially owned instrumentality of the United States, Federal land bank, Federal intermediate credit bank, and bank for cooperatives shall make available to State agencies which have agreements under this subchapter, or to the Secretary of Labor, as the case may be, such information concerning the Federal service and Federal wages of a Federal employee as the Secretary considers practicable and necessary for the determination of the entitlement of the Federal employee to compensation under this subchapter. The information shall include the findings of the employing agency concerning—

(1) whether or not the Federal employee has performed Federal service;

(2) the periods of Federal service;

(3) the amount of Federal wages; and

(4) the reasons for termination of Federal service.

The employing agency shall make the findings in the form and manner prescribed by regulations of the Secretary. The regulations shall include provision for correction by the employing agency of errors and

1 omissions. Findings made in accordance with the regulations are
 2 final and conclusive for the purpose of sections 8502(d) and 8503(c)
 3 of this title. This subsection does not apply with respect to Federal
 4 service and Federal wages covered by subchapter II of this chapter.

5 (b) The agency administering the unemployment compensation
 6 statute of a State shall furnish the Secretary such information as he
 7 considers necessary or appropriate in carrying out this subchapter.
 8 The information is deemed the report required by the Secretary for
 9 the purpose of section 503(a)(6) of title 42.

10 **§ 8507. False statements and misrepresentations**

11 (a) If a State agency, the Secretary of Labor, or a court of com-
 12 petent jurisdiction finds that an individual—

13 (1) knowingly has made, or caused to be made by another, a
 14 false statement or representation of a material fact, or knowingly
 15 has failed, or caused another to fail, to disclose a material fact;
 16 and

17 (2) as a result of that action has received an amount as com-
 18 pensation under this subchapter to which he was not entitled;
 19 the individual shall repay the amount to the State agency or the Secre-
 20 tary. Instead of requiring repayment under this subsection, the State
 21 agency or the Secretary may recover the amount by deductions from
 22 compensation payable to the individual under this subchapter during
 23 the 2-year period after the date of the finding. A finding by a State
 24 agency or the Secretary may be made only after an opportunity for a
 25 fair hearing, subject to such further review as may be appropriate
 26 under sections 8502(d) and 8503(c) of this title.

27 (b) An amount repaid under subsection (a) of this section shall
 28 be—

29 (1) deposited in the fund from which payment was made, if
 30 the repayment was to a State agency; or

31 (2) returned to the Treasury of the United States and credited
 32 to the current applicable appropriation, fund, or account from
 33 which payment was made, if the repayment was to the Secretary.

34 **§ 8508. Regulations**

35 The Secretary of Labor may prescribe rules and regulations neces-
 36 sary to carry out this subchapter and subchapter II of this chapter.
 37 The Secretary, insofar as practicable, shall consult with representa-
 38 tives of the State unemployment compensation agencies before pre-
 39 scribing rules or regulations which may affect the performance by the
 40 State agencies of functions under agreements under this subchapter.

SUBCHAPTER II—EX-SERVICEMEN

§ 8521. Definitions; application

(a) For the purpose of this subchapter—

(1) “Federal service” means active service, including active duty for training purposes, in the armed forces which either began after January 31, 1955, or terminated after October 27, 1958, if—

(A) that service was continuous for 90 days or more, or was terminated earlier because of an actual service-incurred injury or disability; and

(B) with respect to that service, the individual—

(i) was discharged or released under conditions other than dishonorable; and

(ii) was not given a bad conduct discharge, or, if an officer, did not resign for the good of the service; and

(2) “Federal wages” means all pay and allowances, in cash and in kind, for Federal service, computed on the basis of the pay and allowances for the pay grade of the individual at the time of his latest discharge or release from Federal service as specified in the schedule applicable at the time he files his first claim for compensation for the benefit year. The Secretary of Labor shall issue, from time to time, after consultation with the Secretary of Defense, schedules specifying the pay and allowances for each pay grade of servicemen covered by this subchapter, which reflect representative amounts for appropriate elements of the pay and allowances whether in cash or in kind.

(b) The provisions of subchapter I of this chapter, subject to the modifications made by this subchapter, apply to individuals who have had Federal service as defined by subsection (a) of this section.

§ 8522. Assignment of Federal service and wages

Notwithstanding section 8504 of this title, Federal service and Federal wages not previously assigned shall be assigned to the State or to the Virgin Islands, as the case may be, in which the claimant first files claim for unemployment compensation after his latest discharge or release from Federal service. This assignment is deemed an assignment under section 8504 of this title for the purpose of this subchapter.

§ 8523. Dissemination of information

(a) When designated by the Secretary of Labor, an agency of the United States shall make available to the appropriate State agency or to the Secretary, as the case may be, such information, including findings in the form and manner prescribed by regulations of the Secre-

1 tary, as the Secretary considers practicable and necessary for the
2 determination of the entitlement of an individual to compensation
3 under this subchapter.

4 (b) Subject to correction of errors and omissions as prescribed
5 by regulations of the Secretary, the following are final and conclusive
6 for the purpose of sections 8502(d) and 8503(c) of this title:

7 (1) Findings by an agency of the United States made in accord-
8 ance with subsection (a) of this section with respect to—

9 (A) whether or not an individual has met any condition
10 specified by section 8521(a) (1) of this title;

11 (B) the periods of Federal service; and

12 (C) the pay grade of the individual at the time of his
13 latest discharge or release from Federal service.

14 (2) The schedules of pay and allowances prescribed by the
15 Secretary under section 8521(a) (2) of this title.

16 § 8524. Accrued leave

17 For the purpose of this subchapter, a payment for unused accrued
18 leave under section 501(b) of title 37 at the termination of Federal
19 service is deemed—

20 (1) to continue that Federal service during the period after the
21 termination with respect to which the individual received the
22 payment; and

23 (2) Federal wages, subject to regulations prescribed by the
24 Secretary of Labor concerning allocation over the period after
25 termination.

26 § 8525. Effect on other statutes

27 (a) An individual eligible to receive a mustering-out payment under
28 chapter 43 of title 38 is not entitled to compensation under this sub-
29 chapter with respect to weeks of unemployment completed—

30 (1) within 30 days after his discharge or release if he receives
31 \$100 in mustering-out payments;

32 (2) within 60 days after his discharge or release if he receives
33 \$200 in mustering-out payments; or

34 (3) within 90 days after his discharge or release if he receives
35 \$300 in mustering-out payments.

36 (b) An individual is not entitled to compensation under this sub-
37 chapter for any period with respect to which he receives—

38 (1) an education and training allowance under section 1632(a)-
39 (d) of title 38;

40 (2) a subsistence allowance under chapter 31 of title 38 or under
41 part VIII of Veterans Regulation Numbered 1(a); or

(3) an educational assistance allowance under chapter 35 of title 38.

(c) An individual—

(1) who meets the wage and employment requirements for compensation under the statute of the State to which his Federal service and Federal wages have been assigned (or, in the case of the Commonwealth of Puerto Rico and the Virgin Islands, the statute of the District of Columbia) but would not meet the requirements except by the use of the Federal service and Federal wages; or

(2) whose weekly unemployment compensation computed according to the statute of the State (or the statute of the District of Columbia, as the case may be) is increased by the use of the Federal service and Federal wages;

is not thereafter entitled to unemployment compensation under subchapter I of chapter 41 of title 38.

CHAPTER 87—LIFE INSURANCE

Sec.

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§ 8701. Definition

(a) For the purpose of this chapter, "employee" means—

(1) an employee as defined by section 2105 of this title;

(2) a Member of Congress as defined by section 2106 of this title;

(3) a Congressional employee as defined by section 2107 of this title;

(4) the President;

(5) an individual employed by the government of the District of Columbia;

(6) an individual employed by Gallaudet College;

(7) a United States commissioner to whom subchapter III of chapter 83 of this title applies by operation of section 8331(1) (E) of this title;

1 (8) an individual employed by a county committee established
2 under section 590h(b) of title 16; and

3 (9) an individual appointed to a position on the office staff of a
4 former President under section 1(b) of the Act of August 25,
5 1958 (72 Stat. 838);

6 but does not include—

7 (A) an employee of a corporation supervised by the Farm
8 Credit Administration if private interests elect or appoint a
9 member of the board of directors;

10 (B) a noncitizen employee whose permanent duty station is
11 outside the United States; or

12 (C) an employee excluded by regulation of the Civil Service
13 Commission under section 8716(b) of this title.

14 (b) Notwithstanding subsection (a) of this section, the employ-
15 ment of a teacher in the recess period between two school years in a
16 position other than a teaching position in which he served immedi-
17 ately before the recess period does not qualify the individual as an
18 employee for the purpose of this chapter. For the purpose of this
19 subsection, “teacher” and “teaching position” have the meanings given
20 them by section 901 of title 20.

21 **§ 8702. Automatic coverage**

22 (a) An employee is automatically insured on the date he becomes
23 eligible for insurance and each policy of insurance purchased by the
24 Civil Service Commission under this chapter shall provide for that
25 automatic coverage.

26 (b) An employee desiring not to be insured shall give written notice
27 to his employing office on a form prescribed by the Commission. If
28 the notice is received before he has become insured, he shall not be
29 insured. If the notice is received after he has become insured, his
30 insurance stops at the end of the pay period in which the notice is
31 received.

32 **§ 8703. Benefit certificate**

33 The Civil Service Commission shall arrange to have each insured
34 employee receive a certificate setting forth the benefits to which he is
35 entitled, to whom the benefits are payable, to whom the claims shall be
36 submitted, and summarizing the provisions of the policy principally
37 affecting him. The certificate is issued instead of the certificate which
38 the insurance company would otherwise be required to issue.

39 **§ 8704. Group insurance; amounts**

40 (a) An employee eligible for insurance is entitled to be insured for
41 an amount of group life insurance approximating his annual pay not

- 1 exceeding \$20,000 plus an equal amount of group accidental death and
 2 dismemberment insurance, in accordance with the following schedule:

If annual pay is—		The amount of group life insur- ance is—	The amount of group accidental death and dis- memberment insurance is—
Greater than—	But not greater than—		
0.....	\$1,000.....	\$1,000	\$1,000
\$1,000.....	2,000.....	2,000	2,000
\$2,000.....	3,000.....	3,000	3,000
\$3,000.....	4,000.....	4,000	4,000
\$4,000.....	5,000.....	5,000	5,000
\$5,000.....	6,000.....	6,000	6,000
\$6,000.....	7,000.....	7,000	7,000
\$7,000.....	8,000.....	8,000	8,000
\$8,000.....	9,000.....	9,000	9,000
\$9,000.....	10,000.....	10,000	10,000
\$10,000.....	11,000.....	11,000	11,000
\$11,000.....	12,000.....	12,000	12,000
\$12,000.....	13,000.....	13,000	13,000
\$13,000.....	14,000.....	14,000	14,000
\$14,000.....	15,000.....	15,000	15,000
\$15,000.....	16,000.....	16,000	16,000
\$16,000.....	17,000.....	17,000	17,000
\$17,000.....	18,000.....	18,000	18,000
\$18,000.....	19,000.....	19,000	19,000
\$19,000.....	.....	20,000	20,000

- 3 (b) Subject to the conditions and limitations approved by the Civil
 4 Service Commission which are contained in the policy purchased by
 5 the Commission, the group accidental death and dismemberment in-
 6 surance provides payment as follows:

Loss	Amount payable
For loss of life.....	Full amount shown in the schedule in subsection (a) of this section.
Loss of one hand or of one foot or loss of sight of one eye.	One-half the amount shown in the sched- ule in subsection (a) of this section.
Loss of two or more such members.....	Full amount shown in the schedule in subsection (a) of this section.

- 7 For any one accident the aggregate amount of group accidental death
 8 and dismemberment insurance that may be paid may not exceed the
 9 amount shown in the schedule in subsection (a) of this section.

- 10 (c) The Commission shall prescribe regulations providing for the
 11 conversion of other than annual rates of pay to annual rates of pay
 12 and shall specify the types of pay included in annual pay.

- 13 (d) In determining the amount of insurance to which an employee
 14 is entitled—

- 15 (1) a change in rate of pay under section 5337 of this title is
 16 deemed effective as of the first day of the pay period after the
 17 pay period in which the payroll change is approved; and

- 18 (2) a change in rate of pay under section 5343 of this title is
 19 deemed effective as of the date of issuance of the order granting
 20 the increase or the effective date of the increase, whichever is
 21 later.

1 **§ 8705. Death claims; order of precedence; escheat**

2 (a) The amount of group life insurance and group accidental death
3 insurance in force on an employee at the date of his death shall be
4 paid, on the establishment of a valid claim, to the person or persons
5 surviving at the date of his death, in the following order of prece-
6 dence:

7 First, to the beneficiary or beneficiaries designated by the em-
8 ployee in a writing received in the employing office before death.

9 Second, if there is no designated beneficiary, to the widow or
10 widower of the employee.

11 Third, if none of the above, to the child or children of the em-
12 ployee and descendants of deceased children by representation.

13 Fourth, if none of the above, to the parents of the employee or
14 the survivor of them.

15 Fifth, if none of the above, to the duly appointed executor or
16 administrator of the estate of the employee.

17 Sixth, if none of the above, to other next of kin of the employee
18 entitled under the laws of the domicile of the employee at the date
19 of his death.

20 (b) If, within 1 year after the death of the employee, no claim for
21 payment has been filed by a person entitled under the order of prece-
22 dence named by subsection (a) of this section, or if payment to the
23 person within that period is prohibited by Federal statute or regula-
24 tion, payment may be made in the order of precedence as if the person
25 had predeceased the employee, and the payment bars recovery by any
26 other person.

27 (c) If, within 2 years after the death of the employee, no claim
28 for payment has been filed by a person entitled under the order of
29 precedence named by subsection (a) of this section, and neither the
30 Civil Service Commission nor the administrative office established by
31 the company concerned pursuant to section 8709(b) of this title has
32 received notice that such a claim will be made, payment may be made
33 to the claimant who in the judgment of the Commission is equitably
34 entitled thereto, and the payment bars recovery by any other person.

35 (d) If, within 4 years after the death of the employee, payment
36 has not been made under this section and no claim for payment by a
37 person entitled under this section is pending, the amount payable
38 escheats to the credit of the Employees' Life Insurance Fund.

39 **§ 8706. Termination of insurance**

40 (a) A policy purchased under this chapter shall contain a provision,
41 approved by the Civil Service Commission, to the effect that insurance

on an employee stops on his separation from the service or 12 months after discontinuance of his pay, whichever is earlier, subject to a provision for temporary extension of life insurance coverage and for conversion to an individual policy of life insurance under conditions approved by the Commission.

(b) If on the date the insurance would otherwise stop the employee retires on an immediate annuity and—

(1) his retirement is for disability; or

(2) he has completed 12 years of creditable service as determined by the Commission;

his life insurance only may be continued, without cost to him, under conditions determined by the Commission. Periods of honorable, active service in the armed forces shall be credited toward the required 12 years if the employee has completed at least 5 years of civilian service. The amount of life insurance continued under this subsection shall be reduced by 2 percent at the end of each full calendar month after the date the employee becomes 65 years of age or retires, whichever is later. The Commission may prescribe minimum amounts, not less than 25 percent of the amount of life insurance in force before the first reduction, to which the insurance may be reduced.

(c) If on the date the insurance would otherwise stop the employee is receiving benefits under subchapter I of chapter 81 of this title because of disease or injury to himself, his life insurance only may be continued, without cost to him, under conditions determined by the Commission while he is receiving the benefits and is held by the Department of Labor to be unable to return to duty.

(d) The insurance granted to an employee stops, except for a 31-day extension of life insurance coverage, on the day immediately before his entry on active duty or active duty for training unless the period of duty is covered by military leave with pay. The insurance does not stop during a period of inactive duty training. For the purpose of this subsection, the terms “active duty”, “active duty for training”, and “inactive duty training” have the meanings given them by section 101 of title 38.

§ 8707. Employee deductions; withholding

During each period in which an employee is insured under a policy of insurance purchased by the Civil Service Commission under section 8709 of this title, an amount determined by the Commission shall be withheld from the pay of the employee as his share of the cost of his group life and accidental death and dismemberment insurance. The amount may not exceed the rate of 25 cents biweekly for each \$1,000

1 of his group life insurance. The amount withheld from an employee
2 paid on other than a biweekly basis is determined at a proportional
3 rate adjusted to the nearest cent.

4 **§ 8708. Government contributions**

5 (a) For each period in which an employee is insured under a policy
6 of insurance purchased by the Civil Service Commission under section
7 8709 of this title, a sum computed at a rate determined by the Com-
8 mission shall be contributed from the appropriation or fund which
9 is used to pay him. The sum may not exceed one-half the amount
10 which is withheld from the pay of the employee under section 8707
11 of this title.

12 (b) When an employee is paid by the Clerk of the House of Repre-
13 sentatives, the Clerk may contribute the sum required by subsection
14 (a) of this section from the contingent fund of the House.

15 (c) When the employee is an elected official, the sum required by
16 subsection (a) of this section is contributed from an appropriation
17 or fund available for payment of other salaries of the same office or
18 establishment.

19 **§ 8709. Insurance policies**

20 (a) The Civil Service Commission, without regard to section 5 of
21 title 41, may purchase from one or more life insurance companies a
22 policy or policies of group life and accidental death and dismember-
23 ment insurance to provide the benefits specified by this chapter. A
24 company must meet the following requirements:

25 (1) It must be licensed to transact life and accidental death and
26 dismemberment insurance under the laws of 48 of the States and
27 the District of Columbia.

28 (2) It must have in effect, on the most recent December 31 for
29 which information is available to the Commission, an amount of
30 employee group life insurance equal to at least 1 percent of the
31 total amount of employee group life insurance in the United
32 States in all life insurance companies.

33 (b) A company issuing a policy under subsection (a) of this sec-
34 tion shall establish an administrative office under a name approved
35 by the Commission.

36 (c) The Commission at any time may discontinue a policy pur-
37 chased from a company under subsection (a) of this section.

38 **§ 8710. Reinsurance**

39 (a) The Civil Service Commission shall arrange with a company
40 issuing a policy under this chapter for the reinsurance, under con-
41 ditions approved by the Commission, of portions of the total amount

1 of insurance under the policy, determined under this section, with
 2 other life insurance companies which elect to participate in the
 3 reinsurance.

4 (b) The Commission shall determine for and in advance of a policy
 5 year which companies are eligible to participate as reinsurers and the
 6 amount of insurance under a policy which is to be allocated to the
 7 issuing company and to reinsurers. The Commission shall make this
 8 determination at least every 3 years and when a participating com-
 9 pany withdraws.

10 (c) The Commission shall establish a formula under which the
 11 amount of insurance retained by an issuing company after ceding re-
 12 insurance, and the amount of reinsurance ceded to each reinsurer, is
 13 in proportion to the total amount of each company's group life insur-
 14 ance, excluding insurance purchased under this chapter, in force in
 15 the United States on the determination date, which is the most recent
 16 December 31 for which information is available to the Commission.
 17 In determining the proportions, the portion of a company's group life
 18 insurance in force on the determination date in excess of \$100,000,000
 19 shall be reduced by—

- 20 (1) 25 percent of the first \$100,000,000 of the excess;
- 21 (2) 50 percent of the second \$100,000,000 of the excess;
- 22 (3) 75 percent of the third \$100,000,000 of the excess; and
- 23 (4) 95 percent of the remaining excess.

24 However, the amount retained by or ceded to a company may not
 25 exceed 25 percent of the amount of the company's total life insurance
 26 in force in the United States on the determination date.

27 (d) A fraternal benefit association which is—

- 28 (1) licensed to transact life insurance under the laws of a
 29 State or the District of Columbia; and
- 30 (2) engaged in issuing insurance certificates on the lives of
 31 employees of the United States exclusively;

32 is eligible to act as a reinsuring company and may be allocated an
 33 amount of reinsurance equal to 25 percent of its total life insurance
 34 in force on employees of the United States on the determination date
 35 named by subsection (c) of this section.

36 (e) An issuing company or reinsurer is entitled, as a minimum, to
 37 be allocated an amount of insurance under the policy equal to any
 38 reduction from December 31, 1953, to the determination date, in the
 39 amount of the company's group life insurance under policies issued
 40 to associations of employees of the United States. However, any in-
 41 crease under this subsection in the amount allocated is reduced by the

1 amount in force on the determination date of any policy covering life
2 insurance agreements assumed by the Commission.

3 (f) The Commission may modify the computations under this sec-
4 tion as necessary to carry out the intent of this section.

5 **§ 8711. Basic tables of premium rates**

6 (a) A policy purchased under this chapter shall include, for the
7 first policy year, basic tables of premium rates as follows:

8 (1) For group life insurance, a schedule of basic premium
9 rates by age which the Civil Service Commission determines to be
10 consistent with the lowest schedule of basic premium rates gener-
11 ally charged for new group life insurance policies issued to large
12 employers.

13 (2) For group accidental death and dismemberment insurance,
14 a basic premium rate which the Commission determines is con-
15 sistent with the lowest rate generally charged for new group
16 accidental death and dismemberment policies issued to large em-
17 ployers.

18 The schedule for group life insurance, except as otherwise provided
19 by this section, shall be applied to the distribution by age of the
20 amounts of group life insurance under the policy at its date of issuance
21 to determine an average basic premium rate per \$1,000 of life insur-
22 ance.

23 (b) The policy shall provide that the basic premium rates de-
24 termined for the first policy year continue for later policy years
25 except as readjusted for a later year based on experience under
26 the policy. The company issuing the policy may make the readjust-
27 ment on a basis that the Commission determines in advance of the
28 policy year is consistent with the general practice of life insurance
29 companies under policies of group life and group accidental death
30 and dismemberment insurance issued to large employers.

31 (c) The policy shall provide that if the Commission determines
32 that ascertaining the actual age distribution of the amounts of group
33 life insurance in force at the date of issue of the policy or at the end
34 of the first or any later year of insurance thereunder would not
35 be possible except at a disproportionately high expense, the Commis-
36 sion may approve the determination of a tentative average group life
37 premium rate, for the first or any later policy year, instead of
38 using the actual age distribution. The Commission, on request by the
39 company issuing the policy, shall redetermine the tentative average
40 premium rate during any policy year, if experience indicates that the

assumptions made in determining that rate were incorrect for that year.

(d) The policy shall stipulate the maximum expense and risk charges for the first policy year. The Commission shall determine these charges on a basis consistent with the general level of charges made by life insurance companies under policies of group life and accidental death and dismemberment insurance issued to large employers. The maximum charges continue from year to year, except that the Commission may redetermine them for any year either by agreement with the company issuing the policy or on written notice given to the company at least 1 year before the beginning of the year for which the redetermined maximum charges will be effective.

§ 8712. Annual accounting; special contingency reserve

A policy purchased under this chapter shall provide for an accounting to the Civil Service Commission not later than 90 days after the end of each policy year. The accounting shall set forth, in a form approved by the Commission—

(1) the amounts of premiums actually accrued under the policy from its date of issue to the end of the policy year;

(2) the total of all mortality and other claim charges incurred for that period; and

(3) the amounts of the insurers' expense and risk charges for that period.

An excess of the total of paragraph (1) of this section over the sum of paragraphs (2) and (3) of this section shall be held by the company issuing the policy as a special contingency reserve to be used by the company only for charges under the policy. The reserve shall bear interest at a rate determined in advance of each policy year by the company and approved by the Commission as being consistent with the rates generally used by the company for similar funds held under other group life insurance policies. When the Commission determines that the special contingency reserve has attained an amount estimated by it to make satisfactory provision for adverse fluctuations in future charges under the policy, any further excess shall be deposited in the Treasury of the United States to the credit of the Employees' Life Insurance Fund. When a policy is discontinued, any balance remaining in the special contingency reserve after all charges have been made shall be deposited in the Treasury to the credit of the Fund. The company may make the deposit in equal monthly installments over a period of not more than 2 years.

§ 8713. Advisors

(a) There is an Advisory Council on Group Insurance consisting of the Secretary of the Treasury as Chairman, the Secretary of Labor, and the Director of the Bureau of the Budget. The Council members serve without additional pay. The Council shall—

(1) meet once a year, or oftener as called by the Civil Service Commission;

(2) review the operations under this chapter; and

(3) advise the Commission on matters of policy relating to its activities thereunder.

(b) The Chairman of the Commission shall appoint a committee composed of five employees insured under this chapter, who serve without additional pay, to advise the Commission regarding matters of concern to employees under this chapter.

§ 8714. Employees' Life Insurance Fund

(a) The amounts withheld from employees under section 8707 of this title and the sums contributed from appropriations and funds under section 8708 of this title shall be deposited in the Treasury of the United States to the credit of the Employees' Life Insurance Fund. The Fund is available without fiscal year limitation for—

(1) premium payments under an insurance policy purchased under this chapter; and

(2) expenses incurred by the Civil Service Commission in the administration of this chapter within the limitations that may be specified annually by appropriation acts.

(b) The Secretary of the Treasury may invest and reinvest any of the money in the Fund in interest-bearing obligations of the United States, and may sell these obligations for the purposes of the Fund. The interest on and the proceeds from the sale of these obligations, and the income derived from dividend or premium rate adjustments from insurers, become a part of the Fund.

§ 8715. Jurisdiction of courts

The district courts of the United States have original jurisdiction, concurrent with the Court of Claims, of a civil action or claim against the United States founded on this chapter.

§ 8716. Regulations

(a) The Civil Service Commission may prescribe regulations necessary to carry out the purposes of this chapter.

(b) The regulations of the Commission may prescribe the time at which and the conditions under which an employee is eligible for coverage under this chapter. The Commission, after consulting the

head of the agency or other employing authority concerned, may exclude an employee on the basis of the nature and type of his employment or conditions pertaining to it, such as short-term appointment, seasonal, intermittent or part-time employment, and employment of like nature. The Commission may not exclude—

(1) an employee or group of employees solely on the basis of the hazardous nature of employment; or

(2) a teacher in the employ of the Board of Education of the District of Columbia, whose pay is fixed by section 1501 of title 31, District of Columbia Code, on the basis of the fact that the teacher is serving under a temporary appointment if the teacher has been so employed by the Board for a period or periods totaling not less than two school years.

(c) The Secretary of Agriculture shall prescribe regulations to effect the application and operation of this chapter to an individual named by section 8701(a)(8) of this title.

CHAPTER 89—HEALTH INSURANCE

Sec.

8901. Definitions.

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§ 8901. Definitions

For the purpose of this chapter—

(1) “employee” means—

(A) an employee as defined by section 2105 of this title;

(B) a Member of Congress as defined by section 2106 of this title;

(C) a Congressional employee as defined by section 2107 of this title;

(D) the President;

(E) an individual employed by the government of the District of Columbia;

(F) an individual employed by Gallaudet College;

(G) a United States commissioner to whom subchapter III of chapter 83 of this title applies by operation of section 8331(1)(E) of this title; and

1 (c) A contract for a plan described by section 8903(1) or (2) of
2 this title shall require the carrier—

3 (1) to reinsure with other companies which elect to participate,
4 under an equitable formula based on the total amount of their
5 group health insurance benefit payments in the United States
6 during the latest year for which the information is available, to
7 be determined by the carrier and approved by the Commission; or

8 (2) to allocate its rights and obligations under the contract
9 among its affiliates which elect to participate, under an equitable
10 formula to be determined by the carrier and the affiliates and
11 approved by the Commission.

12 (d) Each contract under this chapter shall contain a detailed
13 statement of benefits offered and shall include such maximums, limi-
14 tations, exclusions, and other definitions of benefits as the Commission
15 considers necessary or desirable.

16 (e) The Commission may prescribe reasonable minimum standards
17 for health benefits plans described by section 8903 of this title and
18 for carriers offering the plans. Approval of a plan may be withdrawn
19 only after notice and opportunity for hearing to the carrier concerned
20 without regard to subchapter II of chapter 5 and chapter 7 of this
21 title. The Commission may terminate the contract of a carrier effec-
22 tive at the end of the contract term, if the Commission finds that at
23 no time during the preceding two contract terms did the carrier have
24 300 or more employees and annuitants, exclusive of family members,
25 enrolled in the plan.

26 (f) A contract may not be made or a plan approved which excludes
27 an individual because of race, sex, health status, or, at the time of the
28 first opportunity to enroll, because of age.

29 (g) A contract may not be made or a plan approved which does
30 not offer to each employee or annuitant whose enrollment in the plan
31 is ended, except by a cancellation of enrollment, a temporary extension
32 of coverage during which he may exercise the option to convert, with-
33 out evidence of good health, to a nongroup contract providing health
34 benefits. An employee or annuitant who exercises this option shall
35 pay the full periodic charges of the nongroup contract.

36 (h) The benefits and coverage made available under subsection (g)
37 of this section are noncancelable by the carrier except for fraud, over-
38 insurance, or nonpayment of periodic charges.

39 (i) Rates charged under health benefits plans described by section
40 8903 of this title shall reasonably and equitably reflect the cost of the
41 benefits provided. Rates under health benefits plans described by sec-

tion 8903 (1) and (2) of this title shall be determined on a basis which, in the judgment of the Commission, is consistent with the lowest schedule of basic rates generally charged for new group health benefit plans issued to large employers. The rates determined for the first contract term shall be continued for later contract terms, except that they may be readjusted for any later term, based on past experience and benefit adjustments under the later contract. Any readjustment in rates shall be made in advance of the contract term in which they will apply and on a basis which, in the judgment of the Commission, is consistent with the general practice of carriers which issue group health benefit plans to large employers.

§ 8903. Health benefits plans

The Civil Service Commission may contract for or approve the following health benefits plans:

(1) **SERVICE BENEFIT PLAN.**—One Government-wide plan, offering two levels of benefits, under which payment is made by a carrier under contracts with physicians, hospitals, or other providers of health services for benefits of the types described by section 8904(1) of this title given to employees or annuitants, or members of their families, or, under certain conditions, payment is made by a carrier to the employee or annuitant or member of his family.

(2) **INDEMNITY BENEFIT PLAN.**—One Government-wide plan, offering two levels of benefits, under which a carrier agrees to pay certain sums of money, not in excess of the actual expenses incurred, for benefits of the types described by section 8904(2) of this title.

(3) **EMPLOYEE ORGANIZATION PLANS.**—Employee organization plans which offer benefits of the types referred to by section 8904 (3) of this title, which are sponsored or underwritten, and are administered, in whole or substantial part, by employee organizations, which are available only to individuals, and members of their families, who at the time of enrollment are members of the organization.

(4) **COMPREHENSIVE MEDICAL PLANS.**—

(A) **GROUP-PRACTICE PREPAYMENT PLANS.**—Group-practice prepayment plans which offer health benefits of the types referred to by section 8904(4) of this title, in whole or in substantial part on a prepaid basis, with professional services thereunder provided by physicians practicing as a group in a common center or centers. The group shall include phy-

sicians representing at least three major medical specialties who receive all or a substantial part of their professional income from the prepaid funds.

(B) **INDIVIDUAL-PRACTICE PREPAYMENT PLANS.**—Individual-practice prepayment plans which offer health services in whole or substantial part on a prepaid basis, with professional services thereunder provided by individual physicians who agree, under certain conditions approved by the Commission, to accept the payments provided by the plans as full payment for covered services given by them including, in addition to in-hospital services, general care given in their offices and the patients' homes, out-of-hospital diagnostic procedures, and preventive care, and which plans are offered by organizations which have successfully operated similar plans before approval by the Commission of the plan in which employees may enroll.

§ 8904. Types of benefits

The benefits to be provided under plans described by section 8903 of this title may be of the following types:

(1) **SERVICE BENEFIT PLAN.**—

- (A) Hospital benefits.
- (B) Surgical benefits.
- (C) In-hospital medical benefits.
- (D) Ambulatory patient benefits.
- (E) Supplemental benefits.
- (F) Obstetrical benefits.

(2) **INDEMNITY BENEFIT PLAN.**—

- (A) Hospital care.
- (B) Surgical care and treatment.
- (C) Medical care and treatment.
- (D) Obstetrical benefits.
- (E) Prescribed drugs, medicines, and prosthetic devices.
- (F) Other medical supplies and services.

(3) **EMPLOYEE ORGANIZATION PLANS.**—Benefits of the types named under paragraph (1) or (2) of this section or both.

(4) **COMPREHENSIVE MEDICAL PLANS.**—Benefits of the types named under paragraph (1) or (2) of this section or both.

All plans contracted for under paragraphs (1) and (2) of this section shall include benefits both for costs associated with care in a general hospital and for other health services of a catastrophic nature.

1 **§ 8905. Election of coverage**

2 (a) An employee may enroll in an approved health benefits plan
3 described by section 8903 of this title either as an individual or for
4 self and family.

5 (b) An annuitant who at the time he becomes an annuitant was
6 enrolled in a health benefits plan under this chapter—

7 (1) as an employee for a period of not less than—

8 (A) the 5 years of service immediately before retirement;

9 (B) the full period or periods of service between the last
10 day of the first period, as prescribed by regulations of the
11 Civil Service Commission, in which he is eligible to enroll in
12 the plan and the date on which he becomes an annuitant; or

13 (C) the full period or periods of service beginning with
14 the enrollment which became effective before January 1, 1965,
15 and ending with the date on which he becomes an annuitant;
16 whichever is shortest; or

17 (2) as a member of the family of an employee or annuitant;

18 may continue his enrollment under the conditions of eligibility pre-
19 scribed by regulations of the Commission.

20 (c) If an employee has a spouse who is an employee, either spouse,
21 but not both, may enroll for self and family, or each spouse may enroll
22 as an individual. However, an individual may not be enrolled both
23 as an employee or annuitant and as a member of the family.

24 (d) An employee or annuitant enrolled in a health benefits plan
25 under this chapter may change his coverage or that of himself and
26 members of his family by an application filed within 60 days after a
27 change in family status or at other times and under conditions pre-
28 scribed by regulations of the Commission.

29 (e) An employee or annuitant may transfer his enrollment from a
30 health benefits plan described by section 8903 of this title to another
31 plan described by that section at the times and under the conditions
32 prescribed by regulations of the Commission.

33 **§ 8906. Contributions**

34 (a) Except as provided by subsection (b) of this section, the Gov-
35 ernment contribution for health benefits for employees or annuitants
36 enrolled in health benefits plans under this chapter, in addition to the
37 contributions required by subsection (c) of this section, is 50 percent
38 of the lowest rates charged by a carrier for a level of benefits offered by
39 a plan under section 8903 (1) or (2) of this title, but—

40 (1) not less than \$1.25 or more than \$1.75 biweekly for an
41 employee or annuitant who is enrolled for self alone; and

1 (2) not less than \$3 or more than \$4.25 biweekly for an em-
2 ployee or annuitant who is enrolled for self and family.

3 (b) The Government contribution for an employee or annuitant
4 enrolled in a plan described by section 8903 (3) or (4) of this title for
5 which the biweekly subscription charge is less than twice the Govern-
6 ment contribution established under subsection (a) of this section, is
7 50 percent of the subscription charge.

8 (c) There shall be withheld from the pay of each enrolled employee
9 and the annuity of each enrolled annuitant and there shall be con-
10 tributed by the Government, amounts, in the same ratio as the con-
11 tributions of the employee or annuitant and the Government under
12 subsections (a) and (b) of this section, which are necessary for the
13 administrative costs and the reserves provided for by section 8909 (b)
14 of this title.

15 (d) The amount necessary to pay the total charge for enrollment,
16 after the Government contribution is deducted, shall be withheld
17 from the pay of each enrolled employee and from the annuity of each
18 enrolled annuitant. The withholding for an annuitant shall be the
19 same as that for an employee enrolled in the same health benefits
20 plan and level of benefits.

21 (e) An employee enrolled in a health benefits plan under this
22 chapter who is placed in a leave without pay status may have his
23 coverage and the coverage of members of his family continued under
24 the plan for not to exceed 1 year under regulations prescribed by the
25 Commission. The regulations may provide for the waiving of con-
26 tributions by the employee and the Government.

27 (f) The Government contributions for health benefits for an em-
28 ployee shall be paid—

29 (1) in the case of employees generally, from the appropriation
30 or fund which is used to pay the employee;

31 (2) in the case of an elected official, from an appropriation or
32 fund available for payment of other salaries of the same office
33 or establishment;

34 (3) in the case of an employee of the legislative branch who
35 is paid by the Clerk of the House of Representatives, from the
36 contingent fund of the House; and

37 (4) in the case of an employee in a leave without pay status,
38 from the appropriation or fund which would be used to pay the
39 employee if he were in a pay status.

(g) The Government contributions authorized by subsection (a) of this section for health benefits for an annuitant shall be paid from annual appropriations which are authorized to be made for that purpose.

(h) The Commission shall provide for conversion of biweekly rates of contribution specified by this section to rates for employees and annuitants paid on other than a biweekly basis, and for this purpose may provide for the adjustment of the converted rate to the nearest cent.

§ 8907. Information to employees

(a) The Civil Service Commission shall make available to each employee eligible to enroll in a health benefits plan under this chapter such information, in a form acceptable to the Commission after consultation with the carrier, as may be necessary to enable the employee to exercise an informed choice among the types of plans described by section 8903 of this title.

(b) Each employee enrolled in a health benefits plan shall be issued an appropriate document setting forth or summarizing the—

(1) services or benefits, including maximums, limitations, and exclusions, to which the employee or the employee and members of his family are entitled thereunder;

(2) procedure for obtaining benefits; and

(3) principal provisions of the plan affecting the employee or members of his family.

§ 8908. Coverage of restored employee

An employee enrolled in a health benefits plan under this chapter who is removed or suspended without pay and later reinstated or restored to duty on the ground that the removal or suspension was unjustified or unwarranted may, at his option, enroll as a new employee or have his coverage restored, with appropriate adjustments made in contributions and claims, to the same extent and effect as though the removal or suspension had not taken place.

§ 8909. Employees Health Benefits Fund

(a) There is in the Treasury of the United States an Employees Health Benefits Fund which is administered by the Civil Service Commission. The contributions of employees, annuitants, and the Government described by section 8906 of this title shall be paid into the Fund. The Fund is available—

(1) without fiscal year limitation for all payments to approved health benefits plans; and

(2) to pay expenses for administering this chapter within the limitations that may be specified annually by Congress.

(b) Portions of the contributions made by employees, annuitants, and the Government shall be regularly set aside in the Fund as follows:

(1) A percentage, not to exceed 1 percent of all contributions, determined by the Commission to be reasonably adequate to pay the administrative expenses made available by subsection (a) of this section.

(2) For each health benefits plan, a percentage, not to exceed 3 percent of the contributions toward the plan, determined by the Commission to be reasonably adequate to provide a contingency reserve.

The Commission, from time to time and in amounts it considers appropriate, may transfer unused funds for administrative expenses to the contingency reserves of the plans then under contract with the Commission. When funds are so transferred, each contingency reserve shall be credited in proportion to the total amount of the subscription charges paid and accrued to the plan for the contract term immediately before the contract term in which the transfer is made. The income derived from dividends, rate adjustments, or other refunds made by a plan shall be credited to its contingency reserve. The contingency reserves may be used to defray increases in future rates, or may be applied to reduce the contributions of employees and the Government to, or to increase the benefits provided by, the plan from which the reserves are derived, as the Commission from time to time shall determine.

(c) The Secretary of the Treasury may invest and reinvest any of the money in the Fund in interest-bearing obligations of the United States, and may sell these obligations for the purposes of the Fund. The interest on and the proceeds from the sale of these obligations become a part of the Fund.

(d) When the assets, liabilities, and membership of employee organizations sponsoring or underwriting plans approved under section 8903(3) of this title are merged, the assets (including contingency reserves) and liabilities of the plans sponsored or underwritten by the merged organizations shall be transferred at the beginning of the contract term next following the date of the merger to the plan sponsored or underwritten by the successor organization. Each employee or annuitant affected by a merger shall be transferred to the plan sponsored or underwritten by the successor organization unless he enrolls in another plan under this chapter.

1 (e) Except as provided by subsection (d) of this section, when a
2 plan described by section 8903 (3) or (4) of this title is discontinued
3 under this chapter, the contingency reserve of that plan shall be cred-
4 ited to the contingency reserves of the plans continuing under this
5 chapter for the contract term following that in which termination
6 occurs, each reserve to be credited in proportion to the amount of the
7 subscription charges paid and accrued to the plan for the year of
8 termination.

9 **§ 8910. Studies, reports, and audits**

10 (a) The Civil Service Commission shall make a continuing study
11 of the operation and administration of this chapter, including sur-
12 veys and reports on health benefits plans available to employees and
13 on the experience of the plans.

14 (b) Each contract entered into under section 8902 of this title
15 shall contain provisions requiring carriers to—

16 (1) furnish such reasonable reports as the Commission deter-
17 mines to be necessary to enable it to carry out its functions
18 under this chapter; and

19 (2) permit the Commission and representatives of the General
20 Accounting Office to examine records of the carriers as may be
21 necessary to carry out the purposes of this chapter.

22 (c) Each Government agency shall keep such records, make such
23 certifications, and furnish the Commission with such information and
24 reports as may be necessary to enable the Commission to carry out
25 its functions under this chapter.

26 **§ 8911. Advisory committee**

27 The Chairman of the Civil Service Commission shall appoint a com-
28 mittee composed of five members, who serve without pay, to advise
29 the Commission regarding matters of concern to employees under this
30 chapter. Each member of the committee shall be an employee en-
31 rolled under this chapter or an elected official of an employee orga-
32 nization.

33 **§ 8912. Jurisdiction of courts**

34 The district courts of the United States have original jurisdiction,
35 concurrent with the Court of Claims, of a civil action or claim against
36 the United States founded on this chapter.

37 **§ 8913. Regulations**

38 (a) The Civil Service Commission may prescribe regulations neces-
39 sary to carry out this chapter.

1 (b) The regulations of the Commission may prescribe the time at
 2 which and the manner and conditions under which an employee is
 3 eligible to enroll in an approved health benefits plan described by
 4 section 8903 of this title. The regulations may exclude an employee
 5 on the basis of the nature and type of his employment or conditions
 6 pertaining to it, such as short-term appointment, seasonal or inter-
 7 mittent employment, and employment of like nature. The Com-
 8 mission may not exclude—

9 (1) an employee or group of employees solely on the basis of
 10 the hazardous nature of employment; or

11 (2) a teacher in the employ of the Board of Education of the
 12 District of Columbia, whose pay is fixed by section 1501 of title
 13 31, District of Columbia Code, on the basis of the fact that the
 14 teacher is serving under a temporary appointment if the teacher
 15 has been so employed by the Board for a period or periods totaling
 16 not less than two school years.

17 (c) The regulations of the Commission shall provide for the begin-
 18 ning and ending dates of coverage of employees and annuitants and
 19 members of their families under health benefits plans. The regula-
 20 tions may permit the coverage to continue, exclusive of the temporary
 21 extension of coverage described by section 8902(g) of this title, until
 22 the end of the pay period in which an employee is separated from the
 23 service, or until the end of the month in which an annuitant ceases to
 24 be entitled to annuity, and in case of the death of an employee or an-
 25 nuitant, may permit a temporary extension of the coverage of mem-
 26 bers of his family for not to exceed 90 days.

27 (d) The Secretary of Agriculture shall prescribe regulations to
 28 effect the application and operation of this chapter to an individual
 29 named by section 8901(1)(H) of this title.

30 SEC. 2. (a) Section 42 of title 4, United States Code, is amended to
 31 read as follows:

32 **“§ 42. Same; custody and use of**

33 “The Secretary of State shall have the custody and charge of such
 34 seal. Except as provided by section 2902(a) of title 5, the seal shall
 35 not be affixed to any instrument without the special warrant of the
 36 President therefor.”

37 (b) The analysis of chapter 4 of title 4, United States Code, is
 38 amended by redesignating item 111 as “112”, and by inserting after
 39 item 110:

“111. Same; taxation affecting Federal employees; income tax.”

(c) Chapter 4 of title 4, United States Code, is further amended by redesignating section 111 as "112", and by inserting after section 110:

"§ 111. Same; taxation affecting Federal employees; income tax

"The United States consents to the taxation of pay or compensation for personal service as an officer or employee of the United States, a territory or possession or political subdivision thereof, the government of the District of Columbia, or an agency or instrumentality of one or more of the foregoing, by a duly constituted taxing authority having jurisdiction, if the taxation does not discriminate against the officer or employee because of the source of the pay or compensation."

SEC. 3. (a) The analysis of chapter 15 of title 18, United States Code, is amended by adding the following:

"292. Solicitation of employment and receipt of unapproved fees concerning Federal employees' compensation."

(b) Chapter 15 of title 18, United States Code, is amended by adding the following new section:

"§ 292. Solicitation of employment and receipt of unapproved fees concerning Federal employees' compensation

"Whoever solicits employment for himself or another in respect to a case, claim, or award for compensation under, or to be brought under, subchapter I of chapter 81 of title 5; or

"Whoever receives a fee, other consideration, or gratuity on account of legal or other services furnished in respect to a case, claim, or award for compensation under subchapter I of chapter 81 of title 5, unless the fee, consideration, or gratuity is approved by the Secretary of Labor—

"Shall, for each offense, be fined not more than \$1,000 or imprisoned not more than one year, or both."

(c) The analysis of chapter 93 of title 18, United States Code, is amended by adding the following:

"1916. Accepting voluntary service.

"1917. Unauthorized employment and disposition of lapsed appropriations.

"1918. Interference with civil service examinations.

"1919. Disloyalty and asserting the right to strike against the Government.

"1920. False statement to obtain unemployment compensation for Federal Service.

"1921. False statement to obtain Federal employees' compensation.

"1922. Receiving Federal employees' compensation after marriage.

"1923. False or withheld report concerning Federal employees' compensation.

"1924. Fraudulent receipt of payments of missing persons."

(d) Chapter 93 of title 18, United States Code, is amended by adding the following new sections:

"§ 1916. Accepting voluntary service

"Whoever, being an officer or employee of the United States, knowingly and willfully violates the provision of section 3101(b) of title 5

1 that such an officer or employee may not accept voluntary service for
 2 the United States or employ personal service in excess of that author-
 3 ized by statute, except in an emergency involving the safety of human
 4 life or the protection of property, shall be fined not more than \$5,000
 5 or imprisoned not more than two years, or both.

6 **“§ 1917. Unauthorized employment and disposition of lapsed ap-**
 7 **propriations**

8 “Whoever—

9 “(1) violates the provision of section 3103 of title 5 that an
 10 individual may be employed in the civil service in an Executive
 11 department at the seat of Government only for services actually
 12 rendered in connection with and for the purposes of the appro-
 13 priation from which he is paid; or

14 “(2) violates the provision of section 5501 of title 5 that money
 15 accruing from lapsed salaries or from unused appropriations for
 16 salaries shall be covered into the Treasury of the United States;
 17 shall be fined not more than \$1,000 or imprisoned not more than
 18 one year.

19 **“§ 1918. Interference with civil service examinations**

20 “Whoever, being a member or employee of the United States Civil
 21 Service Commission or an individual in the public service, willfully
 22 and corruptly—

23 “(1) defeats, deceives, or obstructs an individual in respect of
 24 his right of examination according to the rules prescribed by the
 25 President under title 5 for the administration of the competitive
 26 service and the regulations prescribed by the Commission under
 27 section 1302(a) of title 5;

28 “(2) falsely marks, grades, estimates, or reports on the exam-
 29 ination or proper standing of an individual examined;

30 “(3) makes a false representation concerning the mark, grade,
 31 estimate, or report on the examination or proper standing of an
 32 individual examined, or concerning the individual examined; or

33 “(4) furnishes to an individual any special or secret informa-
 34 tion for the purpose of improving or injuring the prospects or
 35 chances of an individual examined, or to be examined, being ap-
 36 pointed, employed, or promoted;

37 shall, for each offense, be fined not less than \$100 nor more than \$1,000
 38 or imprisoned not less than ten days nor more than one year, or both.

“§ 1919. Disloyalty and asserting the right to strike against the Government

“Whoever violates the provision of section 7311 of title 5 that an individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he—

“(1) advocates the overthrow of our constitutional form of government;

“(2) is a member of an organization that he knows advocates the overthrow of our constitutional form of government;

“(3) participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia; or

“(4) is a member of an organization of employees of the Government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the Government of the United States or the government of the District of Columbia;

shall be fined not more than \$1,000 or imprisoned not more than one year and a day, or both.

“§ 1920. False statement to obtain unemployment compensation for Federal service

“Whoever makes a false statement or representation of a material fact knowing it to be false, or knowingly fails to disclose a material fact, to obtain or increase for himself or for any other individual any payment authorized to be paid under chapter 85 of title 5 or under an agreement thereunder, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

“§ 1921. False statement to obtain Federal employees’ compensation

“Whoever makes, in an affidavit or report required by section 8106 of title 5 or in a claim for compensation under subchapter I of chapter 81 of title 5, a statement, knowing it to be false, is guilty of perjury and shall be fined not more than \$2,000 or imprisoned not more than one year, or both.

“§ 1922. Receiving Federal employees’ compensation after marriage

“Whoever, being entitled to compensation under sections 8107–8113 and 8133 of title 5 and whose compensation by the terms of those sections stops or is reduced on his marriage or on the marriage of his

1 dependent, accepts after such marriage any compensation or payment
 2 to which he is not entitled shall be fined not more than \$2,000 or im-
 3 prisoned not more than one year, or both.

4 **“§ 1923. False or withheld report concerning Federal employees’**
 5 **compensation**

6 “Whoever, being an officer or employee of the United States charged
 7 with the responsibility for making the reports of the immediate su-
 8 perior specified by section 8120 of title 5, willfully fails, neglects, or
 9 refuses to make any of the reports, or knowingly files a false report, or
 10 induces, compels, or directs an injured employee to forego filing of
 11 any claim for compensation or other benefits provided under sub-
 12 chapter I of chapter 81 of title 5 or any extension or application there-
 13 of, or willfully retains any notice, report, claim, or paper which is
 14 required to be filed under that subchapter or any extension or applica-
 15 tion thereof, or regulations prescribed thereunder, shall be fined not
 16 more than \$500 or imprisoned not more than one year, or both.

17 **“§ 1924. Fraudulent receipt of payments of missing persons**

18 “Whoever obtains or receives any money, check, or allotment under—

19 “(1) subchapter VII of chapter 55 of title 5; or

20 “(2) chapter 10 of title 37;

21 without being entitled thereto, with intent to defraud, shall be fined
 22 not more than \$2,000 or imprisoned not more than one year, or
 23 both.”

24 (e) The analysis of chapter 301 of title 18, United States Code, is
 25 amended by adding the following:

“4010. Acquisition of additional land.

“4011. Disposition of cash collections for meals, laundry, etc.”

26 (f) Chapter 301 of title 18, United States Code, is amended by
 27 adding the following new sections:

28 **“§ 4010. Acquisition of additional land**

29 “The Attorney General may, when authorized by law, acquire land
 30 adjacent to or in the vicinity of a Federal penal or correctional in-
 31 stitution if he considers the additional land essential to the protection
 32 of the health or safety of the inmates of the institution.

33 **“§ 4011. Disposition of cash collections for meals, laundry, etc.**

34 “Collections in cash for meals, laundry, barber service, uniform
 35 equipment, and other items for which payment is made originally from
 36 appropriations for the maintenance and operation of Federal penal
 37 and correctional institutions, may be deposited in the Treasury to the

credit of the appropriation currently available for those items when the collection is made."

SEC. 4. (a) The analysis of title 28, United States Code, is amended by striking out:

"II. UNITED STATES ATTORNEYS AND MARSHALS----- 501"

and inserting in place thereof:

"II. DEPARTMENT OF JUSTICE----- 501"

(b) Part II of the subanalysis of title 28, United States Code, is amended to read as follows:

"PART II—DEPARTMENT OF JUSTICE

"31. THE ATTORNEY GENERAL----- 501

"33. FEDERAL BUREAU OF INVESTIGATION----- 531

"35. UNITED STATES ATTORNEYS----- 541

"37. UNITED STATES MARSHALS----- 561"

(c) Part II of title 28, United States Code, is amended to read as follows:

"PART II—DEPARTMENT OF JUSTICE

"CHAPTER

"31. THE ATTORNEY GENERAL----- Sec. 501

"33. FEDERAL BUREAU OF INVESTIGATION----- 531

"35. UNITED STATES ATTORNEYS----- 541

"37. UNITED STATES MARSHALS----- 561

"CHAPTER 31—THE ATTORNEY GENERAL

"Sec.

"501. Executive department.

"502. Seal.

"503. Attorney General.

"504. Deputy Attorney General.

"505. Solicitor General.

"506. Assistant Attorneys General.

"507. Assistant Attorney General for Administration.

"508. Vacancies.

"509. Functions of the Attorney General.

"510. Delegation of authority.

"511. Attorney General to advise the President.

"512. Attorney General to advise heads of executive departments.

"513. Attorney General to advise Secretaries of military departments.

"514. Legal services on pending claims in departments and agencies.

"515. Authority for legal proceedings; commission, oath, and salary for special attorneys.

"516. Conduct of litigation reserved to Department of Justice.

"517. Interests of United States in pending suits.

"518. Conduct and argument of cases.

"519. Supervision of litigation.

"520. Transmission of petitions in Court of Claims; statement furnished by departments.

"521. Publication and distribution of opinions.

"522. Report of business and statistics.

"523. Requisitions.

"524. Appropriations for administrative expenses; notarial fees; meals and lodging of bailiffs.

"525. Procurement of law books, reference books, and periodicals; sale and exchange.

"526. Authority of the Attorney General to investigate United States attorneys and marshals, clerks of court, and others.

1 **“§ 501. Executive department**

2 “The Department of Justice is an executive department of the
3 United States at the seat of Government.

4 **“§ 502. Seal**

5 “The Attorney General shall have a seal for the Department of
6 Justice. The design of the seal is subject to the approval of the
7 President.

8 **“§ 503. Attorney General**

9 “The President shall appoint, by and with the advice and consent
10 of the Senate, an Attorney General of the United States. The At-
11 torney General is the head of the Department of Justice.

12 **“§ 504. Deputy Attorney General**

13 “The President may appoint, by and with the advice and consent
14 of the Senate, a Deputy Attorney General.

15 **“§ 505. Solicitor General**

16 “The President shall appoint, by and with the advice and consent of
17 the Senate, a Solicitor General in the Department of Justice to assist
18 the Attorney General in the performance of his duties.

19 **“§ 506. Assistant Attorneys General**

20 “The President shall appoint, by and with the advice and consent
21 of the Senate, nine Assistant Attorneys General, who shall assist the
22 Attorney General in the performance of his duties.

23 **“§ 507. Assistant Attorney General for Administration**

24 “(a) The Attorney General shall appoint, with the approval of
25 the President, an Assistant Attorney General for Administration,
26 who shall perform such duties as the Attorney General may prescribe.

27 “(b) The position of Assistant Attorney General for Administra-
28 tion is in the competitive service.

29 **“§ 508. Vacancies**

30 “(a) In case of a vacancy in the office of Attorney General, or of
31 his absence or disability, the Deputy Attorney General may exercise
32 all the duties of that office, and for the purpose of section 3345 of title
33 5 the Deputy Attorney General is the first assistant to the Attorney
34 General.

35 “(b) When, by reason of absence, disability, or vacancy in office,
36 neither the Attorney General nor the Deputy Attorney General is
37 available to exercise the duties of the office of Attorney General, the
38 Assistant Attorneys General and the Solicitor General, in such order
39 of succession as the Attorney General may from time to time prescribe,
40 shall act as Attorney General.

1 **“§ 509. Functions of the Attorney General**

2 “All functions of other officers of the Department of Justice and all
3 functions of agencies and employees of the Department of Justice are
4 vested in the Attorney General except the functions—

5 “(1) vested by subchapter II of chapter 5 of title 5 in hearing
6 examiners employed by the Department of Justice;

7 “(2) of the Federal Prison Industries, Inc.;

8 “(3) of the Board of Directors and officers of the Federal
9 Prison Industries, Inc.; and

10 “(4) of the Board of Parole.

11 **“§ 510. Delegation of authority**

12 “The Attorney General may from time to time make such provisions
13 as he considers appropriate authorizing the performance by any other
14 officer, employee, or agency of the Department of Justice of any
15 function of the Attorney General.

16 **“§ 511. Attorney General to advise the President**

17 “The Attorney General shall give his advice and opinion on ques-
18 tions of law when required by the President.

19 **“§ 512. Attorney General to advise heads of executive depart-
20 ments**

21 “The head of an executive department may require the opinion
22 of the Attorney General on questions of law arising in the adminis-
23 tration of his department.

24 **“§ 513. Attorney General to advise Secretaries of military depart-
25 ments**

26 “When a question of law arises in the administration of the Depart-
27 ment of the Army, the Department of the Navy, or the Department of
28 the Air Force, the cognizance of which is not given by statute to some
29 other officer from whom the Secretary of the military department
30 concerned may require advice, the Secretary of the military depart-
31 ment shall send it to the Attorney General for disposition.

32 **“§ 514. Legal services on pending claims in departments and agen-
33 cies**

34 “When the head of an executive department or agency is of the
35 opinion that the interests of the United States require the service of
36 counsel on the examination of any witness concerning any claim, or on
37 the legal investigation of any claim, pending in the department or
38 agency, he shall notify the Attorney General, giving all facts necessary
39 to enable him to furnish proper professional service in attending the
40 examination or making the investigation, and the Attorney General
41 shall provide for the service.

1 **“§ 515. Authority for legal proceedings; commission, oath, and**
 2 **salary for special attorneys**

3 “(a) The Attorney General or any other officer of the Department
 4 of Justice, or any attorney specially appointed by the Attorney Gen-
 5 eral under law, may, when specifically directed by the Attorney
 6 General, conduct any kind of legal proceeding, civil or criminal, in-
 7 cluding grand jury proceedings and proceedings before committing
 8 magistrates, which United States attorneys are authorized by law to
 9 conduct, whether or not he is a resident of the district in which the
 10 proceeding is brought.

11 “(b) Each attorney specially retained under authority of the De-
 12 partment of Justice shall be commissioned as special assistant to the
 13 Attorney General or special attorney, and shall take the oath required
 14 by law. Foreign counsel employed in special cases are not required to
 15 take the oath. The Attorney General shall fix the annual salary of
 16 a special assistant or special attorney at not more than \$12,000.

17 **“§ 516. Conduct of litigation reserved to Department of Justice**

18 “Except as otherwise authorized by law, the conduct of litiga-
 19 tion in which the United States, an agency, or officer thereof is a
 20 party, or is interested, and securing evidence therefor, is reserved to
 21 officers of the Department of Justice, under the direction of the At-
 22 torney General.

23 **“§ 517. Interests of United States in pending suits**

24 “The Solicitor General, or any officer of the Department of Justice,
 25 may be sent by the Attorney General to any State or district in the
 26 United States to attend to the interests of the United States in a suit
 27 pending in a court of the United States, or in a court of a State, or to
 28 attend to any other interest of the United States.

29 **“§ 518. Conduct and argument of cases**

30 “(a) Except when the Attorney General in a particular case directs
 31 otherwise, the Attorney General and the Solicitor General shall con-
 32 duct and argue suits and appeals in the Supreme Court and suits in
 33 the Court of Claims in which the United States is interested.

34 “(b) When the Attorney General considers it in the interests of the
 35 United States, he may personally conduct and argue any case in a
 36 court of the United States in which the United States is interested, or
 37 he may direct the Solicitor General or any officer of the Department of
 38 Justice to do so.

39 **“§ 519. Supervision of litigation**

40 “Except as otherwise authorized by law, the Attorney General
 41 shall supervise all litigation to which the United States, an agency,

1 or officer thereof is a party, and shall direct all United States attorneys,
2 assistant United States attorneys, and special attorneys appointed
3 under section 543 of this title in the discharge of their respective duties.

4 **“§ 520. Transmission of petitions in Court of Claims; statement**
5 **furnished by departments**

6 “(a) In suits against the United States in the Court of Claims
7 founded on a contract, agreement, or transaction with an executive de-
8 partment or military department, or a bureau, officer, or agent thereof,
9 or when the matter or thing on which the claim is based has been
10 passed on and decided by an executive department, military depart-
11 ment, bureau, or officer authorized to adjust it, the Attorney General
12 shall send to the department, bureau, or officer a printed copy of the
13 petition filed by the claimant, with a request that the department,
14 bureau, or officer furnish to the Attorney General all facts, circum-
15 stances, and evidence concerning the claim in the possession or knowl-
16 edge of the department, bureau, or officer.

17 “(b) Within a reasonable time after receipt of the request from the
18 Attorney General, the executive department, military department, bu-
19 reau, or officer shall furnish the Attorney General with a written state-
20 ment of all facts, information, and proofs. The statement shall con-
21 tain a reference to or description of all official documents and papers,
22 if any, as may furnish proof of facts referred to in it, or may be neces-
23 sary and proper for the defense of the United States against the claim,
24 mentioning the department, office, or place where the same is kept or
25 may be secured. If the claim has been passed on and decided by the
26 department, bureau, or officer, the statement shall briefly state the rea-
27 sons and principles on which the decision was based. When the deci-
28 sion was founded on an Act of Congress it shall be cited specifically,
29 and if any previous interpretation or construction has been given to
30 the Act, section, or clause by the department, bureau, or officer, it shall
31 be set forth briefly in the statement and a copy of the opinion filed,
32 if any, attached to it. When a decision in the case has been based
33 on a regulation of a department or when a regulation has, in the
34 opinion of the department, bureau, or officer sending the statement,
35 any bearing on the claim, it shall be distinctly quoted at length in
36 the statement. When more than one case or class of cases is pending,
37 the defense of which rests on the same facts, circumstances, and proofs,
38 the department, bureau, or officer may certify and send one statement
39 and it shall be held to apply to all cases as if made out, certified, and
40 sent in each case respectively.

1 **“§ 521. Publication and distribution of opinions**

2 “The Attorney General, from time to time—

3 “(1) shall cause to be edited, and printed in the Government
4 Printing Office, such of his opinions as he considers valuable for
5 preservation in volumes; and

6 “(2) may prescribe the manner for the distribution of the
7 volumes.

8 Each volume shall contain headnotes, an index, and such footnotes as
9 the Attorney General may approve.

10 **“§ 522. Report of business and statistics**

11 “The Attorney General, at the beginning of each regular session
12 of Congress, shall report to Congress on the business of the Depart-
13 ment of Justice for the last preceding fiscal year, and on any other
14 matters pertaining to the Department that he considers proper,
15 including—

16 “(1) a statement of the several appropriations which are placed
17 under the control of the Department and the amount appro-
18 priated;

19 “(2) the statistics of crime under the laws of the United
20 States; and

21 “(3) a statement of the number of causes involving the United
22 States, civil and criminal, pending during the preceding year in
23 each of the several courts of the United States.

24 **“§ 523. Requisitions**

25 “The Attorney General shall sign all requisitions for the advance
26 or payment of moneys appropriated for the Department of Justice,
27 out of the Treasury, subject to the same control as is exercised on like
28 estimates or accounts by the General Accounting Office.

29 **“§ 524. Appropriations for administrative expenses; notarial fees;
30 meals and lodging of bailiffs**

31 “Appropriations for the Department of Justice are available for
32 payment of—

33 “(1) notarial fees, including such additional stenographic serv-
34 ices as are required in connection therewith in the taking of deposi-
35 tions, and compensation and expenses of witnesses and inform-
36 ants, all at the rates authorized or approved by the Attorney
37 General or the Assistant Attorney General for Administration;
38 and

39 “(2) when ordered by the court, actual expenses of meals and
40 lodging for marshals, deputy marshals, or criers when acting as
41 bailiffs in attendance on juries.

1 **“§ 525. Procurement of law books, reference books, and periodi-**
 2 **cals; sale and exchange**

3 “In the procurement of law books, reference books, and periodicals,
 4 the Attorney General may exchange or sell similar items and apply
 5 the exchange allowances or proceeds of such sales in whole or in part
 6 payment therefor.

7 **“§ 526. Authority of Attorney General to investigate United**
 8 **States attorneys and marshals, clerks of court, and**
 9 **others**

10 “(a) The Attorney General may investigate the official acts, records,
 11 and accounts of—

12 “(1) the United States attorneys and marshals; and

13 “(2) at the request and on behalf of the Director of the Admin-
 14 istrative Office of the United States Courts, the clerks of the
 15 United States courts and of the district courts of the Canal Zone
 16 and the Virgin Islands, probation officers, referees, trustees and
 17 receivers in bankruptcy, United States commissioners, and court
 18 reporters;

19 for which purpose all the official papers, records, dockets, and accounts
 20 of these officers, without exception, may be examined by agents of the
 21 Attorney General at any time.

22 “(b) Appropriations for the examination of judicial officers are
 23 available for carrying out this section.

24 **“CHAPTER 33—FEDERAL BUREAU OF INVESTIGATION**

“Sec.

“531. Federal Bureau of Investigation.

“532. Director of Federal Bureau of Investigation.

“533. Investigative and other officials; appointment.

“534. Acquisition, preservation, and exchange of identification records; appoint-
 ment of officials.

“535. Investigation of crimes involving Government officers and employees;
 limitations.

“536. Positions in excepted service.

“537. Membership in International Criminal Police Organization; expenses of
 unforeseen emergencies of a confidential nature.

25 **“§ 531. Federal Bureau of Investigation**

26 “The Federal Bureau of Investigation is in the Department of
 27 Justice.

28 **“§ 532. Director of the Federal Bureau of Investigation**

29 “The Attorney General may appoint a Director of the Federal
 30 Bureau of Investigation. The Director of the Federal Bureau of
 31 Investigation is the head of the Federal Bureau of Investigation.

32 **“§ 533. Investigative and other officials; appointment**

33 “The Attorney General may appoint officials—

34 “(1) to detect and prosecute crimes against the United States;

1 “(2) to assist in the protection of the person of the President;
2 and

3 “(3) to conduct such other investigations regarding official
4 matters under the control of the Department of Justice and the
5 Department of State as may be directed by the Attorney General.

6 This section does not limit the authority of departments and agencies
7 to investigate crimes against the United States when investigative
8 jurisdiction has been assigned by law to such departments and
9 agencies.

10 **“§ 534. Acquisition, preservation, and exchange of identification**
11 **records; appointment of officials**

12 “(a) The Attorney General shall—

13 “(1) acquire, collect, classify, and preserve identification,
14 criminal identification, crime, and other records; and

15 “(2) exchange these records with, and for the official use of,
16 authorized officials of the Federal Government, the States, cities,
17 and penal and other institutions.

18 “(b) The exchange of records authorized by subsection (a) (2) of
19 this section is subject to cancellation if dissemination is made outside
20 the receiving departments or related agencies.

21 “(c) The Attorney General may appoint officials to perform the
22 functions authorized by this section.

23 **“§ 535. Investigation of crimes involving Government officers and**
24 **employees; limitations**

25 “(a) The Attorney General and the Federal Bureau of Investiga-
26 tion may investigate any violation of title 18 involving Government
27 officers and employees—

28 “(1) notwithstanding any other provision of law; and

29 “(2) without limiting the authority to investigate any matter
30 which is conferred on them or on a department or agency of the
31 Government.

32 “(b) Any information, allegation, or complaint received in a
33 department or agency of the executive branch of the Government
34 relating to violations of title 18 involving Government officers and
35 employees shall be expeditiously reported to the Attorney General by
36 the head of the department or agency, unless—

37 “(1) the responsibility to perform an investigation with re-
38 spect thereto is specifically assigned otherwise by another pro-
39 vision of law; or

“(2) as to any department or agency of the Government, the Attorney General directs otherwise with respect to a specified class of information, allegation, or complaint.

“(c) This section does not limit—

“(1) the authority of the military departments to investigate persons or offenses over which the armed forces have jurisdiction under the Uniform Code of Military Justice (chapter 47 of title 10); or

“(2) the primary authority of the Postmaster General to investigate postal offenses.

“§ 536. Positions in excepted service

“All positions in the Federal Bureau of Investigation are excepted from the competitive service, and the incumbents of such positions occupy positions in the excepted service.

“§ 537. Membership in International Criminal Police Organization; expenses of unforeseen emergencies of a confidential character

“Appropriations for the Federal Bureau of Investigation are available for—

“(1) expenses of membership in the International Criminal Police Organization; and

“(2) expenses of unforeseen emergencies of a confidential character, when so specified in the appropriation concerned, to be spent under the direction of the Attorney General, who shall certify the amount spent that he considers advisable not to specify, and his certification is a sufficient voucher for the amount therein expressed to have been spent.

“CHAPTER 35—UNITED STATES ATTORNEYS

“Sec.

“541. United States attorneys.

“542. Assistant United States attorneys.

“543. Special attorneys.

“544. Oath of office.

“545. Residence.

“546. Vacancies.

“547. Duties.

“548. Salaries.

“549. Expenses.

“550. Clerical assistants and messengers.

“§ 541. United States attorneys

“(a) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney for each judicial district.

“(b) Each United States attorney shall be appointed for a term of four years. On the expiration of his term, a United States attorney

1 shall continue to perform the duties of his office until his successor is
2 appointed and qualifies.

3 “(c) Each United States attorney is subject to removal by the
4 President.

5 **“§ 542. Assistant United States attorneys**

6 “(a) The Attorney General may appoint one or more assistant
7 United States attorneys in any district when the public interest so
8 requires.

9 “(b) Each assistant United States attorney is subject to removal by
10 the Attorney General.

11 **“§ 543. Special attorneys**

12 “(a) The Attorney General may appoint attorneys to assist United
13 States attorneys when the public interest so requires.

14 “(b) Each attorney appointed under this section is subject to re-
15 moval by the Attorney General.

16 **“§ 544. Oath of office**

17 “Each United States attorney, assistant United States attorney, and
18 attorney appointed under section 543 of this title, before taking office,
19 shall take an oath to execute faithfully his duties.

20 **“§ 545. Residence**

21 “(a) Each United States attorney and assistant United States
22 attorney shall reside in the district for which he is appointed, except
23 that these officers of the District of Columbia and the Southern Dis-
24 trict of New York may reside within 20 miles thereof.

25 “(b) The Attorney General may determine the official stations of
26 United States attorneys and assistant United States attorneys within
27 the districts for which they are appointed.

28 **“§ 546. Vacancies**

29 “The district court for a district in which the office of United States
30 attorney is vacant may appoint a United States attorney to serve until
31 the vacancy is filled. The order of appointment by the court shall be
32 filed with the clerk of the court.

33 **“§ 547. Duties**

34 “Except as otherwise provided by law, each United States attorney,
35 within his district, shall—

36 “(1) prosecute for all offenses against the United States;

37 “(2) prosecute or defend, for the Government, all civil actions,
38 suits or proceedings in which the United States is concerned;

39 “(3) appear in behalf of the defendants in all civil actions,
40 suits or proceedings pending in his district against collectors, or
41 other officers of the revenue or customs for any act done by them

or for the recovery of any money exacted by or paid to these officers, and by them paid into the Treasury;

“(4) institute and prosecute proceedings for the collection of fines, penalties, and forfeitures incurred for violation of any revenue law, unless satisfied on investigation that justice does not require the proceedings; and

“(5) make such reports as the Attorney General may direct.

“§ 548. Salaries

“Subject to section 5317 of title 5, the Attorney General shall fix the annual salaries of United States attorneys, assistant United States attorneys, and attorneys appointed under section 543 of this title at rates of compensation not in excess of the highest rate of GS-18 of the General Schedule set forth in section 5332 of title 5.

“§ 549. Expenses

“Necessary office expenses of United States attorneys shall be allowed when authorized by the Attorney General.

“§ 550. Clerical assistants and messengers

“The United States attorneys may employ clerical assistants and messengers on approval of the Attorney General.

“CHAPTER 37—UNITED STATES MARSHALS

“Sec.

“561. United States marshals.

“562. Deputy marshals and clerical assistants.

“563. Oath of office.

“564. Bond.

“565. Vacancies.

“566. Death of a marshal.

“567. Expenses of marshals.

“568. Availability of appropriations; transfer of prisoners to narcotic farms.

“569. Powers and duties generally; supervision by Attorney General.

“570. Power as sheriff.

“571. Disbursement of salaries and moneys.

“572. Collection of fees; accounting.

“573. Delivery of prisoners to successor.

“574. Delivery of unserved process to successor.

“575. Practice of law prohibited.

“§ 561. United States marshals

“(a) The President shall appoint, by and with the advice and consent of the Senate, a United States marshal for each judicial district.

“(b) Each marshal shall be appointed for a term of four years. On expiration of his term, a marshal shall continue to perform the duties of his office until his successor is appointed and qualifies, unless sooner removed by the President.

“(c) The Attorney General shall designate places within the district for the official station and offices of each marshal. Each marshal shall reside within the district for which he was appointed, except that the

1 marshal for the District of Columbia and the Southern District of
2 New York may reside within 20 miles thereof.

3 **“§ 562. Deputy marshals and clerical assistants**

4 “The Attorney General may authorize a United States marshal to
5 appoint deputies and clerical assistants. Each deputy marshal is sub-
6 ject to removal by the marshal pursuant to civil-service regulations.

7 **“§ 563. Oath of office**

8 “Each United States marshal and deputy marshal before assuming
9 the duties of his office shall take the following oath or affirmation:

10 “‘I, _____, do solemnly swear (or affirm) that
11 I will faithfully execute all lawful precepts directed to the
12 _____ under the authority of the United States, make
13 true returns, take only lawful fees, and in all things well and truly,
14 and without malice or partiality, perform the duties of the office of
15 _____ during my continuance in office. So help me
16 God’.

17 **“§ 564. Bond**

18 “(a) Each United States marshal, including a marshal appointed
19 to serve during a vacancy, shall be bonded in the sum of \$20,000 for
20 the faithful performance of duty by himself and his deputies during
21 his continuance in office and by his deputies after his death until his
22 successor is appointed and qualifies.

23 “(b) The Attorney General may require the United States marshal
24 for the Southern District of New York to be bonded in a sum not
25 exceeding \$75,000 and any other United States marshal to be bonded
26 in a sum not exceeding \$40,000.

27 “(c) A person injured by a breach of a United States marshal’s
28 bond may sue thereon, in his own name, to recover his damages. Such
29 an action shall be commenced within six years after the right accrues,
30 but a person under legal disability may sue within three years after
31 the removal of his disability. After judgment, the marshal’s bond
32 shall remain as security until the whole penalty has been recovered.

33 **“§ 565. Vacancies**

34 “The district court for a district in which the office of United States
35 marshal is vacant may appoint a United States marshal to serve until
36 the vacancy is filled. The order of appointment by the court shall be
37 filed with the clerk of the court.

38 **“§ 566. Death of a marshal**

39 “(a) On the death of a United States marshal, his deputy or
40 deputies shall perform the duties of the deceased marshal in his name
41 until his successor is appointed and qualifies.

“(b) The default or misfeasance of a deputy is a breach of the deceased marshal’s bond, and his executor or administrator has like remedies against the deputy for the default or misfeasance as the marshal would have had if he had continued in office.

“§ 567. Expenses of marshals

“Under regulations prescribed by the Attorney General, each United States marshal shall be allowed—

“(1) his actual and necessary office expenses;

“(2) the expense of transporting prisoners, including the cost of necessary guards and the travel and subsistence expense of prisoners and guards; and

“(3) other necessary expenditures in line of duty, approved by the Attorney General.

“§ 568. Availability of appropriations; transfer of prisoners to narcotic farms

“Appropriations for salaries and expenses of United States marshals are available for actual and necessary expenses incident to the transfer of prisoners in the custody of the marshals to narcotic farms.

“§ 569. Powers and duties generally; supervision by Attorney General

“(a) The United States marshal of each district is the marshal of the district court and of the court of appeals when sitting in his district, and of the Customs Court holding sessions in his district elsewhere than in the Southern and Eastern Districts of New York, and may, in the discretion of the respective courts, be required to attend any session of court.

“(b) United States marshals shall execute all lawful writs, process and orders issued under authority of the United States, including those of the courts and Government of the Canal Zone, and command all necessary assistance to execute their duties.

“(c) The Attorney General shall supervise and direct United States marshals in the performance of public duties and accounting for public moneys. Each marshal shall report his official proceedings, receipts and disbursements and the condition of his office as the Attorney General directs.

“§ 570. Power as sheriff

“A United States marshal and his deputies, in executing the laws of the United States within a State, may exercise the same powers which a sheriff of the State may exercise in executing the laws thereof.

1 “§ 571. Disbursement of salaries and moneys

2 “(a) The United States marshals, under regulations prescribed by
3 the Attorney General, shall pay the salaries, office expenses and travel
4 and per diem allowances of United States attorneys, their assistants,
5 clerks and messengers, and of the marshals, their deputies and clerical
6 assistants.

7 “(b) The United States marshals, under regulations prescribed by
8 the Director of the Administrative Office of the United States Courts,
9 shall pay the salaries, office expenses, and travel and per diem allow-
10 ances of circuit and district judges, clerks of court and their deputies,
11 court reporters, and other personnel of courts within their districts.

12 “(c) On all disbursements made by United States marshals for
13 official salaries or expenses, the certificate of the payee is sufficient
14 without verification on oath.

15 **“§ 572. Collection of fees; accounting**

16 “(a) Each United States marshal shall collect, as far as possible,
17 his lawful fees and account for the same as public moneys.

18 “(b) The marshal’s accounts of fees and costs paid to a witness or
19 juror on certificate of attendance issued as provided by sections 1825
20 and 1871 of this title may not be reexamined to charge him for an
21 erroneous payment of the fees or costs.

22 **“§ 573. Delivery of prisoners to successor**

23 "Each United States marshal shall deliver to his successor all
24 prisoners in his custody.

25 **“§ 574. Delivery of unserved process to successor**

26 "All unserved process remaining in the hands of a United States
27 marshal or his deputies shall be delivered to his successor. When a
28 deputy marshal resigns or is removed, he shall deliver to the marshal
29 all process in his hands.

30 "§ 575. Practice of law prohibited

31 "A United States marshal or deputy marshal may not practice law
32 in any court of the United States."

(d) The analysis of part VI of title 28, United States Code, is amended by inserting after item 157:

"158. Orders of Federal Agencies; Review_____2341".

35 (e) Part VI of title 28, United States Code, is amended by inserting
36 after chapter 157:

37 **“CHAPTER 158—ORDERS OF FEDERAL AGENCIES;**
38 **REVIEW**

"Sec.

"2341. Definitions.

"2342. Jurisdiction of court of appeals.

"2343. Venue.

"Sec.

"2344. Review of orders ; time ; notice ; contents of petitions ; service.

"2345. Prehearing conference.

"2346. Certification of record on review.

"2347. Petitions to review ; proceedings.

"2348. Representation in proceeding ; intervention.

"2349. Jurisdiction of the proceeding.

"2350. Review in Supreme Court on certiorari or certification.

"2351. Enforcement of orders by district courts.

"2352. Rules.

1 **"§ 2341. Definitions**

2 "As used in this chapter—

3 "(1) 'clerk' means the clerk of the court in which the petition
4 for the review of an order, reviewable under this chapter, is filed ;

5 "(2) 'petitioner' means the party or parties by whom a petition
6 to review an order, reviewable under this chapter, is filed ; and

7 "(3) 'agency' means—

8 "(A) the Commission, when the order sought to be re-
9 viewed was entered by the Federal Communications Commis-
10 sion, the Federal Maritime Commission, or the Atomic Energy
11 Commission, as the case may be ;

12 "(B) the Secretary, when the order was entered by the
13 Secretary of Agriculture ; and

14 "(C) the Administration, when the order was entered by
15 the Maritime Administration.

16 **"§ 2342. Jurisdiction of court of appeals**

17 "The court of appeals has exclusive jurisdiction to enjoin, set aside,
18 suspend (in whole or in part), or to determine the validity of—

19 "(1) all final orders of the Federal Communications Commis-
20 sion made reviewable by section 402(a) of title 47 ;

21 "(2) all final orders of the Secretary of Agriculture made under
22 chapters 9 and 20A of title 7, except orders issued under sections
23 210(e), 217(a), and 499g(a) of title 7 ;

24 "(3) such final orders of the Federal Maritime Commission or
25 the Maritime Administration entered under chapters 23 and 23A
26 of title 46 as are subject to judicial review under section 830 of
27 title 46 ; and

28 "(4) all final orders of the Atomic Energy Commission made
29 reviewable by section 2239 of title 42.

30 Jurisdiction is invoked by filing a petition as provided by section 2344
31 of this title.

32 **"§ 2343. Venue**

33 "The venue of a proceeding under this chapter is in the judicial cir-
34 cuit in which the petitioner resides or has its principal office, or in the
35 United States Court of Appeals for the District of Columbia Circuit.

1 **“§ 2344. Review of orders; time; notice; contents of petition;**
 2 **service**

3 “On the entry of a final order reviewable under this chapter, the
 4 agency shall promptly give notice thereof by service or publication in
 5 accordance with its rules. Any party aggrieved by the final order
 6 may, within 60 days after its entry, file a petition to review the order
 7 in the court of appeals wherein venue lies. The action shall be against
 8 the United States. The petition shall contain a concise statement of—

- 9 “(1) the nature of the proceedings as to which review is sought;
 10 “(2) the facts on which venue is based;
 11 “(3) the grounds on which relief is sought; and
 12 “(4) the relief prayed.

13 The petitioner shall attach to the petition, as exhibits, copies of the
 14 order, report, or decision of the agency. The clerk shall serve a true
 15 copy of the petition on the agency and on the Attorney General by
 16 registered mail, with request for a return receipt.

17 **“§ 2345. Prehearing conference**

18 “The court of appeals may hold a prehearing conference or direct
 19 a judge of the court to hold a prehearing conference.

20 **“§ 2346. Certification of record on review**

21 “Unless the proceeding has been terminated on a motion to dismiss
 22 the petition, the agency shall file in the office of the clerk the record on
 23 review as provided by section 2112 of this title.

24 **“§ 2347. Petitions to review; proceedings**

25 “(a) Unless determined on a motion to dismiss, petitions to review
 26 orders reviewable under this chapter are heard in the court of appeals
 27 on the record of the pleadings, evidence adduced, and proceedings be-
 28 fore the agency, when the agency has held a hearing whether or not
 29 required to do so by law.

30 “(b) When the agency has not held a hearing before taking the ac-
 31 tion of which review is sought by the petition, the court of appeals shall
 32 determine whether a hearing is required by law. After that determi-
 33 nation, the court shall—

34 “(1) remand the proceedings to the agency to hold a hearing,
 35 when a hearing is required by law;

36 “(2) pass on the issues presented, when a hearing is not re-
 37 quired by law and it appears from the pleadings and affidavits
 38 filed by the parties that no genuine issue of material fact is pre-
 39 sented; or

40 “(3) transfer the proceedings to a district court for the dis-
 41 trict in which the petitioner resides or has its principal office for

a hearing and determination as if the proceedings were originally initiated in the district court, when a hearing is not required by law and a genuine issue of material fact is presented. The procedure in these cases in the district court is governed by the Federal Rules of Civil Procedure.

“(c) If a party to a proceeding to review applies to the court of appeals in which the proceeding is pending for leave to adduce additional evidence and shows to the satisfaction of the court that—

“(1) the additional evidence is material; and

“(2) there were reasonable grounds for failure to adduce the evidence before the agency;

the court may order the additional evidence and any counterevidence the opposite party desires to offer to be taken by the agency. The agency may modify its findings of fact, or make new findings, by reason of the additional evidence so taken, and may modify or set aside its order, and shall file in the court the additional evidence, the modified findings or new findings, and the modified order or the order setting aside the original order.

“§ 2348. Representation in proceeding; intervention

“The Attorney General is responsible for and has control of the interests of the Government in all court proceedings under this chapter. The agency, and any party in interest in the proceeding before the agency whose interests will be affected if an order of the agency is or is not enjoined, set aside, or suspended, may appear as parties thereto of their own motion and as of right, and be represented by counsel in any proceeding to review the order. Communities, associations, corporations, firms, and individuals, whose interests are affected by the order of the agency, may intervene in any proceeding to review the order. The Attorney General may not dispose of or discontinue the proceeding to review over the objection of any party or intervenor, but any intervenor may prosecute, defend, or continue the proceeding unaffected by the action or inaction of the Attorney General.

“§ 2349. Jurisdiction of the proceeding

“(a) The court of appeals has jurisdiction of the proceeding on the filing and service of a petition to review. The court of appeals in which the record on review is filed, on the filing, has jurisdiction to vacate stay orders or interlocutory injunctions previously granted by any court, and has exclusive jurisdiction to make and enter, on the petition, evidence, and proceedings set forth in the record on review, a judgment determining the validity of, and enjoining, setting aside, or suspending, in whole or in part, the order of the agency.

1 “(b) The filing of the petition to review does not of itself stay or
2 suspend the operation of the order of the agency, but the court of
3 appeals in its discretion may restrain or suspend, in whole or in part,
4 the operation of the order pending the final hearing and determination
5 of the petition. When the petitioner makes application for an inter-
6 locutory injunction restraining or suspending the enforcement, opera-
7 tion, or execution of, or setting aside, in whole or in part, any order
8 reviewable under this chapter, at least 5 days’ notice of the hearing
9 thereon shall be given to the agency and to the Attorney General. In
10 a case in which irreparable damage would otherwise result to the pe-
11 titioner, the court of appeals may, on hearing, after reasonable notice
12 to the agency and to the Attorney General, order a temporary stay or
13 suspension, in whole or in part, of the operation of the order of the
14 agency for not more than 60 days from the date of the order pending
15 the hearing on the application for the interlocutory injunction, in
16 which case the order of the court of appeals shall contain a specific
17 finding, based on evidence submitted to the court of appeals, and identi-
18 fied by reference thereto, that irreparable damage would result to the
19 petitioner and specifying the nature of the damage. The court of
20 appeals, at the time of hearing the application for an interlocutory
21 injunction, on a like finding, may continue the temporary stay or
22 suspension, in whole or in part, until decision on the application. The
23 hearing on an application for an interlocutory injunction shall be
24 given preference and expedited and shall be heard at the earliest prac-
25 ticable date after the expiration of the notice of hearing on the appli-
26 cation. On the final hearing of any proceeding to review any order
27 under this chapter, the same requirements as to precedence and expe-
28 dition apply.

29 **“§ 2350. Review in Supreme Court on certiorari or certification**

30 “(a) An order granting or denying an interlocutory injunction
31 under section 2349(b) of this title and a final judgment of the court
32 of appeals in a proceeding to review under this chapter are subject to
33 review by the Supreme Court on a writ of certiorari as provided by
34 section 1254(1) of this title. Application for the writ shall be made
35 within 45 days after entry of the order and within 90 days after entry
36 of the judgment, as the case may be. The United States, the agency,
37 or an aggrieved party may file a petition for a writ of certiorari.

38 “(b) The provisions of section 1254(3) of this title, regarding
39 certification, and of section 2101(e) of this title, regarding stays, also
40 apply to proceedings under this chapter.

1 **“§ 2351. Enforcement of orders by district courts**

2 “The several district courts have jurisdiction specifically to enforce,
3 and to enjoin and restrain any person from violating any order issued
4 under section 193 of title 7.

5 **“§ 2352. Rules**

6 “The several courts of appeals shall adopt and promulgate rules,
7 subject to the approval of the Judicial Conference of the United
8 States, governing the practice and procedure, including prehearing
9 conference procedure, in proceedings to review orders under this
10 chapter.”

11 SEC. 5. (a) The chapter analysis of title 37, United States Code, is
12 amended by inserting after item 9:

“10. PAYMENTS TO MISSING PERSONS----- 551”.

13 (b) Title 37, United States Code, is amended by inserting after
14 chapter 9:

15 **“CHAPTER 10.—PAYMENTS TO MISSING PERSONS**

“Sec.

“551. Definitions.

“552. Pay and allowances; continuance while in a missing status; limitations.

“553. Allotments; continuance, suspension, initiation, resumption, or increase
while in a missing status; limitations.

“554. Travel and transportation; dependents; household and personal effects;
motor vehicles; sale of bulky items; claims for proceeds; appropriation
chargeable.

“555. Secretarial review.

“556. Secretarial determinations.

“557. Settlement of accounts.

“558. Income tax deferment.

16 **“§ 551. Definitions**

17 “In this chapter—

18 “(1) ‘dependent’, with respect to a member of a uniformed serv-
19 ice, means—

20 “(A) his wife;

21 “(B) his unmarried child (including an unmarried de-
22 pendent stepchild or adopted child) under 21 years of age;

23 “(C) his dependent mother or father;

24 “(D) a dependent designated in official records; and

25 “(E) a person determined to be dependent by the Secre-
26 tary concerned, or his designee;

27 “(2) ‘missing status’ means the status of a member of a uni-
28 formed service who is officially carried or determined to be absent
29 in a status of—

30 “(A) missing;

31 “(B) missing in action;

32 “(C) interned in a foreign country;

1 “(D) captured, beleaguered, or besieged by a hostile force;

2 or

3 “(E) detained in a foreign country against his will; and

4 “(3) ‘pay and allowances’ means—

5 “(A) basic pay;

6 “(B) special pay;

7 “(C) incentive pay;

8 “(D) basic allowance for quarters;

9 “(E) basic allowance for subsistence; and

10 “(F) station per diem allowances for not more than 90
11 days.

12 **“§ 552. Pay and allowances; continuance while in a missing**
13 **status; limitations**

14 “(a) A member of a uniformed service who is on active duty or per-
15 forming inactive-duty training, and who is in a missing status, is, for
16 the period he is in that status, entitled to receive or have credited to
17 his account the same pay and allowances, as defined in this chapter, to
18 which he was entitled at the beginning of that period or may there-
19 after become entitled. However, a member who is performing full-
20 time training duty or other full-time duty without pay, or inactive-
21 duty training with or without pay, is entitled to the pay and allow-
22 ances to which he would have been entitled if he had been on active
23 duty with pay.

24 “(b) The expiration of a member’s term of service while he is in a
25 missing status does not end his entitlement to pay and allowances un-
26 der subsection (a) of this section. Notwithstanding the death of a
27 member while in a missing status, entitlement to pay and allowances
28 under subsection (a) of this section ends on the date—

29 “(1) the Secretary concerned receives evidence that the mem-
30 ber is dead; or

31 “(2) that his death is prescribed or determined under section
32 555 of this title.

33 “(c) A member is not entitled to pay and allowances under subsec-
34 tion (a) of this section for a period during which he is officially deter-
35 mined to be absent from his post of duty without authority, and he is
36 indebted to the United States for payments from amounts credited to
37 his account for that period.

38 “(d) A member who is performing full-time training duty or
39 inactive-duty training is entitled to the benefits of this section only

1 when he is officially determined to be in a missing status that results
2 from the performance of duties prescribed by competent authority.

3 “(e) A member in a missing status who is continued in that status
4 under section 555 of this title is entitled to be credited with pay and
5 allowances under subsection (a) of this section.

6 **“§ 553. Allotments; continuance, suspension, initiation, resump-**
7 **tion, or increase while in a missing status; limitations**

8 “(a) Notwithstanding the end of the period for which it was made,
9 an allotment, including one for the purchase of United States savings
10 bonds, made by a member of a uniformed service before he was in a
11 missing status may be continued for the period he is entitled to pay
12 and allowances under section 552 of this title.

13 “(b) When there is no allotment in effect, or when it is insufficient
14 for a purpose authorized by the Secretary concerned, he, or his
15 designee, may authorize new allotments or increases in allotments that
16 are warranted by the circumstances and payable for the period the
17 member is entitled to pay and allowances under section 552 of this title.

18 “(c) The total of all allotments from the pay and allowances of a
19 member in a missing status may not be more than the amount of pay
20 and allowances he is permitted to allot under regulations prescribed
21 by the Secretary concerned.

22 “(d) A premium paid by the United States on insurance issued on
23 the life of a member which is unearned because it covers a period after
24 his death reverts to the appropriation of the department concerned.

25 “(e) Subject to subsections (f) and (g) of this section, the Secre-
26 tary concerned, or his designee, may, when he considers it in the
27 interest of the member, his dependents, or the United States, direct the
28 initiation, continuance, discontinuance, increase, decrease, suspension,
29 or resumption of payments of allotments from the pay and allowances
30 of a member entitled to pay and allowances under section 552 of this
31 title.

32 “(f) When the Secretary concerned officially reports that a mem-
33 ber in a missing status is alive, the payments of allotments authorized
34 by subsections (a)–(d) of this section may, subject to section 552 of
35 this title, be made until the date the Secretary concerned receives evi-
36 dence that the member is dead or has returned to the controllable juris-
37 diction of the department concerned.

38 “(g) A member in a missing status who is continued in that status
39 under section 555 of this title is entitled to have the payments of allot-

1 ments authorized by subsections (a)–(d) of this section continued, in-
2 creased, or initiated.

3 “(h) When the Secretary concerned considers it essential for the
4 well-being and protection of the dependents of a member on active
5 duty (other than a member entitled to pay and allowances under sec-
6 tion 552 of this title), he may, with or without the consent, and sub-
7 ject to termination at the request, of the member—

8 “(1) direct the payment of a new allotment from the pay of
9 the member;

10 “(2) increase or decrease the amount of an allotment made by
11 the member; and

12 “(3) continue payment of an allotment of the member which has
13 expired.

14 **“§ 554. Travel and transportation; dependents; household and**
15 **personal effects; motor vehicles; sale of bulky items;**
16 **claims for proceeds; appropriation chargeable**

17 “(a) In this section, ‘household and personal effects’ and ‘household
18 effects’ may include, in addition to other authorized weight allowances,
19 one privately owned motor vehicle which may be shipped at United
20 States expense when it is located outside the United States, or in
21 Alaska or Hawaii.

22 “(b) Transportation (including packing, crating, drayage, tempo-
23 rary storage, and unpacking of household and personal effects) may
24 be provided for the dependents and household and personal effects of
25 a member of a uniformed service on active duty (without regard to
26 pay grade) who is officially reported as dead, injured, or absent for a
27 period of more than 29 days in a missing status—

28 “(1) to the member’s official residence of record;

29 “(2) to the residence of his dependent, next of kin, or other
30 person entitled to custody of the effects, under regulations pre-
31 scribed by the Secretary concerned; or

32 “(3) on request of the member (if injured), or his dependent,
33 next of kin, or other person described in clause (2), to another
34 location determined in advance or later approved by the Secre-
35 tary concerned, or his designee.

36 “(c) When a member described in subsection (b) of this section is
37 in an injured status, transportation of dependents and household and
38 personal effects authorized by this section may be provided only when
39 prolonged hospitalization or treatment is anticipated.

1 “(d) Transportation requested by a dependent may be authorized
2 under this section only if there is a reasonable relationship between
3 the circumstances of the dependent and the requested destination.

4 “(e) In place of the transportation for dependents authorized by
5 this section, and after the travel is completed, the Secretary concerned
6 may authorize—

7 “(1) reimbursement for the commercial cost of the transpor-
8 tation; or

9 “(2) a monetary allowance at the prescribed rate for all, or
10 that part, of the travel for which transportation in kind is not
11 furnished.

12 “(f) The Secretary concerned may store the household and personal
13 effects of a member described in subsection (b) of this section until
14 proper disposition can be made. The cost of the storage and trans-
15 portation (including packing, crating, drayage, temporary storage,
16 and unpacking) of household and personal effects shall be charged
17 against appropriations currently available.

18 “(g) The Secretary concerned may, when he determines that there
19 is an emergency and a sale would be in the best interests of the United
20 States, provide for the public or private sale of motor vehicles and
21 other bulky items of household and personal effects of a member de-
22 scribed in subsection (b) of this section. Before a sale, and if prac-
23 ticable, a reasonable effort shall be made to determine the desires of
24 the interested persons. The net proceeds received from the sale shall,
25 under regulations prescribed by the Secretary concerned, be sent to
26 the owner or other persons. If there are no such persons, or if they
27 or their addresses are not known within one year from the date of
28 sale, the net proceeds may be covered into the Treasury as miscel-
29 laneous receipts.

30 “(h) Claims for net proceeds that are covered into the Treasury
31 under subsection (g) of this section may be filed with the General Ac-
32 counting Office by the rightful owners, their heirs or next of kin, or
33 their legal representatives at any time before the end of a 5-year period
34 from the date the proceeds are covered into the Treasury. When a
35 claim is filed, the General Accounting Office shall allow or disallow it.
36 A claim that is allowed shall be paid from the appropriation for
37 refunding money erroneously received and covered. If a claim is not
38 filed before the end of the 5-year period from the date the proceeds
39 are covered into the Treasury, it is barred from being acted on by the
40 courts or the General Accounting Office.

1 “(i) This section does not amend or repeal—

2 “(1) section 2575, 2733, 4712, 4713, 6522, 9712, or 9713 of title 10;

3 “(2) section 507 of title 14; or

4 “(3) chapter 171 of title 28.

5 **“§ 555. Secretarial review**

6 “(a) When a member of a uniformed service entitled to pay and
7 allowances under section 552 of this title has been in a missing status,
8 and the official report of his death or of the circumstances of his absence
9 has not been received by the Secretary concerned, he shall, before the
10 end of a 12-month period in that status, have the case fully reviewed.
11 After that review and the end of the 12-month period in a missing
12 status, or after a later review which shall be made when warranted by
13 information received or other circumstances, the Secretary concerned,
14 or his designee, may—

15 “(1) if the member can reasonably be presumed to be living,
16 direct a continuance of his missing status; or

17 “(2) make a finding of death.

18 “(b) When a finding of death is made under subsection (a) of this
19 section, it shall include the date death is presumed to have occurred
20 for the purpose of—

21 “(1) ending the crediting of pay and allowances;

22 “(2) settlement of accounts; and

23 “(3) payment of death gratuities.

24 That date is—

25 “(A) the day after the day on which the 12-month period in a
26 missing status ends; or

27 “(B) if the missing status has been continued under subsection
28 (a) of this section, the day determined by the Secretary con-
29 cerned, or his designee.

30 “(c) For the sole purpose of determining status under this section, a
31 dependent of a member on active duty is treated as if he were a mem-
32 ber. Any determination made by the Secretary concerned, or his
33 designee, under this section is conclusive on all other departments and
34 agencies of the United States. This subsection does not entitle a de-
35 pendent to pay, allowances, or other compensation to which he is not
36 otherwise entitled.

37 **“§ 556. Secretarial determinations**

38 “(a) The Secretary concerned, or his designee, may make any deter-
39 mination necessary to administer this chapter and, when so made, it is
40 conclusive as to—

41 “(1) death or finding of death;

1 “(2) the fact of dependency under this chapter;

2 “(3) the fact of dependency for the purpose of paying six
3 months’ death gratuities authorized by law;

4 “(4) the fact of dependency under any other law authorizing
5 the payment of pay, allowances, or other emoluments to enlisted
6 members of the armed forces, when the payments are contingent
7 on dependency;

8 “(5) any other status covered by this chapter;

9 “(6) an essential date, including one on which evidence or in-
10 formation is received by the Secretary concerned; and

11 “(7) whether information received concerning a member of a
12 uniformed service is to be construed and acted on as an official
13 report of death.

14 “(b) When the Secretary concerned receives information that he
15 considers establishes conclusively the death of a member of a uni-
16 formed service, he shall, notwithstanding any earlier action relating
17 to death or other status of the member, act on it as an official report
18 of death. After the end of the 12-month period in a missing status pre-
19 scribed by section 555 of this title, the Secretary concerned, or his
20 designee, shall, when he considers that the information received, or a
21 lapse of time without information, establishes a reasonable presump-
22 tion that a member in a missing status is dead, make a finding of death.

23 “(c) The Secretary concerned, or his designee, may determine the
24 entitlement of a member to pay and allowances under this chapter,
25 including credits and charges in his account, and that determination
26 is conclusive. An account may not be charged or debited with an
27 amount that a member captured, beleaguered, or besieged by a hostile
28 force may receive or be entitled to receive from, or have placed to
29 his credit by, the hostile force as pay, allowances, or other compensa-
30 tion.

31 “(d) The Secretary concerned, or his designee, may, when war-
32 ranted by the circumstances, reconsider a determination made under
33 this chapter, and change or modify it.

34 “(e) When the account of a member has been charged or debited
35 with an allotment paid under this chapter, the amount so charged or
36 debited shall be recredited to the account of the member if the Sec-
37 retary concerned, or his designee, determines that the payment was
38 induced by fraud or misrepresentation to which the member was not
39 a party.

1 “(f) Except an allotment for an unearned insurance premium, an
2 allotment paid from pay and allowances of a member for the period
3 he is entitled to pay and allowances under section 552 of this title
4 may not be collected from the allottee as an overpayment when it
5 was caused by delay in receiving evidence of death. An allotment
6 payment for a period after the end of entitlement to pay and allow-
7 ances under this chapter, or otherwise, which was caused by delay in
8 receiving evidence of death, may not be collected from the allottee or
9 charged against the pay of the deceased member.

10 “(g) The Secretary concerned, or his designee, may waive the re-
11 covery of an erroneous payment or overpayment of an allotment to a
12 dependent if he considers recovery is against equity and good con-
13 science.

14 “(h) For the sole purpose of determining status under this section,
15 a dependent of a member of a uniformed service on active duty is
16 treated as if he were a member. Any determination made by the
17 Secretary concerned, or his designee, under this section is conclusive
18 on all other departments and agencies of the United States. This
19 subsection does not entitle a dependent to pay, allowances, or other
20 compensation to which he is not otherwise entitled.

21 **“§ 557. Settlement of accounts**

22 “(a) The Secretary concerned, or his designee, may settle the ac-
23 count of—

24 “(1) a member of a uniformed service for whose account pay-
25 ments have been made under sections 552, 553, and 555 of this
26 title; and

27 “(2) a survivor of a casualty to a ship, station, or military in-
28 stallation which results in the loss or destruction of disbursing
29 records.

30 That settlement is conclusive on the accounting officers of the United
31 States in settling the accounts of disbursing officers.

32 “(b) Payment or settlement of an account made pursuant to a report,
33 determination, or finding of death may not be recovered or reopened
34 because of a later report or determination which fixes a date of death.
35 However, an account shall be reopened and settled on the basis of a
36 date of death so fixed which is later than that used as a basis for earlier
37 settlements.

38 “(c) In the settlement of his accounts, a disbursing officer is entitled,
39 if there is no fraud or criminality by him, to credit for an erroneous

1 payment or overpayment he made in carrying out this chapter, except
 2 section 558. Unless there is fraud or criminality by him, recovery
 3 may not be made from a civilian officer or employee or a member of a
 4 uniformed service who authorizes a payment under this chapter, ex-
 5 cept section 558.

6 **“§ 558. Income tax deferment**

7 “Notwithstanding any other provision of law, in the case of a tax-
 8 able year beginning after December 31, 1940, a Federal income tax
 9 return of, or the payment of a Federal income tax by, a member of
 10 a uniformed service who, at the time the return or payment would
 11 otherwise become due, is in a missing status, does not become due until
 12 the earlier of the following dates—

13 “(1) the fifteenth day of the third month in which he ceased
 14 (except by reason of death or incompetency) being in a missing
 15 status, unless before the end of that fifteenth day he is again in
 16 a missing status; or

17 “(2) the fifteenth day of the third month after the month in
 18 which an executor, administrator, or conservator of the estate of
 19 the taxpayer is appointed.

20 That due date is prescribed subject to the power of the Secretary of the
 21 Treasury or his delegate to extent the time for filing the return or pay-
 22 ing the tax, as in other cases, and to assess and collect the tax as pro-
 23 vided by sections 6851, 6861, and 6871 of title 26 in cases in which the
 24 assessment or collection is jeopardized and in cases of bankruptcy or
 25 receivership.”

26 SEC. 6. (a) The analysis of chapter 95 of title 39, United States Code,
 27 is amended by adding the following:

“6216. Railroad operations, receipts and expenditures.”

28 (b) Chapter 95 of title 39, United States Code, is amended by adding
 29 the following new section:

30 **“§ 6216. Railroad operations, receipts and expenditures**

31 “The Postmaster General shall request all railroad companies trans-
 32 porting the mails to furnish, under seal, such data relating to the
 33 operating, receipts and expenditures of such roads as may, in his judg-
 34 ment, be deemed necessary to enable him to ascertain the cost of mail
 35 transportation and the proper compensation to be paid for the same.
 36 He shall, in his annual report to Congress, make such recommenda-
 37 tions, founded on the information obtained under this section, as shall,
 38 in his opinion, be just and equitable.”

1 SEC. 7. (a) The legislative purpose in enacting sections 1-6 of this
2 Act is to restate, without substantive change, the laws replaced by
3 those sections on the effective date of this Act. Laws effective after
4 June 30, 1965, that are inconsistent with this Act are considered as
5 superseding it to the extent of the inconsistency.

6 (b) A reference to a law replaced by sections 1-6 of this Act, includ-
7 ing a reference in a regulation, order, or other law, is deemed to refer
8 to the corresponding provision enacted by this Act.

9 (c) An order, rule, or regulation in effect under a law replaced by
10 sections 1-6 of this Act continues in effect under the corresponding
11 provision enacted by this Act until repealed, amended, or superseded.

12 (d) An action taken or an offense committed under a law replaced
13 by sections 1-6 of this Act is deemed to have been taken or committed
14 under the corresponding provision enacted by this Act.

15 (e) An inference of a legislative construction is not to be drawn
16 by reason of the location in the United States Code of a provision
17 enacted by this Act or by reason of the caption or catchline thereof.

18 (f) The enactment of this Act does not increase or decrease the pay,
19 allowances, compensation, or annuity of any person.

20 (g) If a provision enacted by this Act is held invalid, all valid
21 provisions that are severable from the invalid provision remain in
22 effect. If a provision of this Act is held invalid in one or more of its
23 applications, the provision remains in effect in all valid applications
24 that are severable from the invalid application or applications.

25 (h) Sections 1-6 of this Act shall be construed to apply to com-
26 missioned officers of the Public Health Service and commissioned of-
27 ficers of the Coast and Geodetic Survey to the same extent that the
28 laws replaced by those sections applied to these officers immediately
29 before the date of enactment of this Act.

30 SEC. 8. (a) The laws specified in the following schedule are repealed
31 except with respect to rights and duties that matured, penalties that
32 were incurred, and proceedings that were begun, before the effective
33 date of this Act and except as provided by section 7 of this Act.

34 (b) The right to a deferred annuity on satisfaction of the condi-
35 tions attached thereto is continued notwithstanding the repeal of the
36 law conferring the right.

- 1 (c) The repeal of a law by this Act may not be construed as a
 2 legislative inference that the provision was or was not in effect before
 3 its repeal.

Revised Statutes	Revised Statutes	Revised Statutes	Revised Statutes	Revised Statutes
Section	Section	Section	Section	Section
158	187	369	1766	2235
159	188	370	1773	2236
160	189	371	1774	2242
161	195	382	1775	2243
165	320	383 (1st sentence, as applicable to the Attorney General; 2d and 3d sentences)	1778	2244
166	346		1784	2631
169	347		1974	3144
170	348		1996	3157
173	349		1997	3679 (b), (1) (as applicable to subsection (b)) [added]
174	350	384	1998	
175	353	446	2039	
176 (last sentence)	354	447	2052	
177	356	1706	2056	3738
178	357	1753	2057	4404
179	358	1754	2058	4414
180	359	1757	2060	4415
181	360	1758	2063	4416
182	361	1759	2064	4840
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185	366	1764	2222	5314
186	367	1765	2234	

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1874				
June 11	275		18	66
June 20	328	1 (2d sentence of 1st par. under "United States Mints and Assay Offices").	18	96
Do.	328	3	18	109
June 22	389	2	18	176
Do.	391	23	18	190
June 23	459		18	245
Dec. 1	344	2-5	18	127
1875				
Jan. 22	36	12	18	309
Mar. 3	129	1 (last 23 words of 1st full par. on p. 349)	18	349
Do.	130	3	18	399
Do.	130	10	18	401
Do.	131	14	18	420
Do.	132	5	18	449
Do.	132	10	18	450
Do.	147		18	480
Do.	153		18	483
Do.	157		18	486
June 2	Proc. 1		19	661
1876				
Apr. 25	78	2	19	36
July 12	180	14	19	87
July 22	225		19	96
July 24	226	2-4	19	100, 101
July 31	246	(proviso and 1st full par. on p. 105)	19	105
Aug. 9	256	2	19	126
Aug. 14	270	2	19	140
Aug. 15	287	1 (3d full par. on p. 152, less 1st sentence; and 4th full par. on p. 152).	19	152
Do.	287	3, 6	19	169
Do.	307	2	19	207

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1877				
Jan. 16	22		19	222
Do	23		19	222
Feb. 27	69	1 (8th full par. on p. 241)	19	241
1878				
May 2	78		20	47
May 27	142	1 (provisos)	20	65
June 7	162	2, 4	20	100
June 11	180	11	20	107
June 14	188	(1st proviso and par. which begins "First")	20	112
Do	196		20	132
Do	198		20	133
June 15	215	3	20	137
Do	215	8	20	138
June 18	269	2	20	166
June 19	329	1 (last sentence in 1st par. under "Office of the Attorney General")	20	205
June 20	359	1 (1st 28 words of 3d par. under "District of Columbia")	20	208
1879				
Jan. 24	21		20	264
Jan. 27	26	1 (last proviso)	20	267
Jan. 31	38		20	277
Feb. 4	48	2	20	282
Feb. 24	97	7, 9	20	320
Feb. 25	99	1	20	320
Feb. 26	103		20	322
Mar. 3	177	2	20	355
Do	180	6	20	358
Do	182	1 (2d sentence under "Public Buildings")	20	391
Do	194	2	20	473
1880				
Jan. 13	4	(last proviso)	21	60
Jan. 24	13		21	62
Apr. 16	J.R. 22		21	304
June 10	189		21	173
1881				
Jan. 31	32	2, 3	21	604
Feb. 26	80	1 (4th proviso)	21	350
Mar. 3	144	6	21	507
1882				
Mar. 6	25	(last sentence)	22	13
Mar. 22	47	9	22	32
May 17	163	1 (last 2 sentences on p. 70)	22	70
Do	163	1 (2d proviso on p. 86)	22	86
Do	163	1 (so much as amends R.S. § 2056)	22	87
June 5	195	2	22	98
June 15	218	4	22	102
June 19	230	3	22	106
July 7	277		22	153
Aug. 3	376		22	214
Aug. 5	389	1 (last sentence under "Office of Life-Saving Service")	22	229
Do	389	1 (proviso under "Pension Office")	22	248
Do	389	4	22	255
Do	399		22	301
Aug. 7	433	1 (last sentence of 9th par. on p. 306)	22	306
Do	433	1 (last par. under "For the Suppression of Bigamy")	22	313
Do	433	1 (par. beginning on p. 328 and ending on p. 329)	22	328, 329
Do	436		22	344
1883				
Jan. 13	23		22	402
Jan. 16	27	1-3, 5-10	22	403-406
Jan. 31	41	3	22	412
Mar. 1	61	8	22	451
Mar. 3	101		22	484
Do	128	4	22	563

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1883				
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1884				
Mar. 31	18		23	6
May 1	37	(par. under "Indian Office")	23	17
May 13	46	2, 3	23	22
May 17	53	2-6, 9, 12	23	24-27
June 3	62		23	33
June 11	75		23	40
June 12	80		23	41
June 26	121	27	23	59
July 5	221	6	23	119
July 7	331	1 (2d proviso under "Commissioner of Internal Revenue" and following sentence).	23	172
Do.	331	1 (words between 1st and 2d semicolons under "General Land Office").	23	186
Do.	333	(2d par. under "Schedule C")	23	233
Do.	334	1 (sentence beginning on 5th line of p. 237)	23	237
Do.	334	1 (1st full par. on p. 242)	23	242
1885				
Mar. 3	343	1 (words between 1st and 2d semicolons under "General Land Office").	23	416
Do.	357		23	444
Do.	359	1 (1st par. under "Tenth Census")	23	462
1886				
June 2	416		24	77
June 30	572		24	91
July 2	611	(2d sentence in par. which begins "For fees and expenses".)	24	122
July 31	827	1 (words between 1st and 2d semicolons under "General Land Office").	24	199
Aug. 2	842		24	213
1887				
Feb. 23	J.R. 6		24	644
Mar. 1	313	(2d sentence in par. which begins "For fees and expenses".)	24	440
Mar. 3	392	1 (words between 1st and 2d semicolons under "General Land Office").	24	622
1888				
May 2	227		25	134
May 14	251	2, 3	25	147
May 15	255	1	25	150
May 21	297	3	25	153
June 4	341	2	25	167
June 13	389	3, 4	25	182
June 18	391		25	185
June 25	486		25	203
June 29	503	1 (all to last par. beginning "For the payment of necessary interpreters" on p. 218).	25	217, 218
July 11	615	1 (proviso on p. 272)	25	272
Do.	615	1 (words between 1st and 2d semicolons under "General Land Office").	25	285
July 18	676	1 (2d full par. on p. 321)	25	321
Aug. 1	722		25	352
Do.	723		25	363
Aug. 8	786		25	387
Aug. 9	823		25	398
Oct. 19	1209	(last sentence)	25	565
Dec. 18	6	2	25	638

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1889				
Feb. 9	121	(last 23 words)	25	658
Do.	122	1 (38th through 54th words)	25	659
Do.	122	3	25	659
Feb. 26	279	1 (proviso on p. 722)	25	722
Do.	279	1 (words between 1st and 2d semicolons under "General Land Office").	25	735
Mar. 1	311	3	25	751
Do.	327	2	25	772
Do.	328	49	25	779
Mar. 2	370	1 (last par. beginning on p. 800)	25	800
Do.	370	4	25	808
Do.	412	15	25	1006
1890				
Mar. 19	J.R. 12		26	670
Apr. 10	77		26	53
May 2	182	2, 3, 14	26	82, 88
June 10	407	30	26	142
July 11	667	1 (proviso on p. 244)	26	244
Do.	667	1 (words between 1st and 2d semicolons under "General Land Office").	26	257
Do.	667	1 (words between 3d and 4th semicolons under "Department of Justice").	26	265
Aug. 8	729		26	313
Aug. 28	812		26	362
Do.	814	3	26	363
Aug. 29	820	1 (2d sentence under "Fourth Auditor's Office")	26	371
Do.	820	1 (last par.)	26	371
Oct. 1	1267		26	655
1891				
Feb. 6	113		26	733
Feb. 24	287		26	783
Mar. 3	539		26	854
Do.	541	1 (proviso and 1st full par. on p. 925)	26	925
Do.	541	1 (words between 1st and 2d semicolons under "General Land Office").	26	937
Do.	541	1 (1st full sentence on p. 944)	26	944
Do.	541	1 (words between 4th and 5th semicolons under "Office of the Attorney-General").	26	945
Do.	550		26	1084
Do.	555	2	26	1090
Do.	564	1, 2, 18	26	1104, 1106
1892				
June 4	88		27	41
July 5	154		27	87
July 13	161	(2d sentence in par. which begins "For fees and expenses".)	27	119
July 16	196	1 (words between 1st and 2d semicolons under "General Land Office").	27	213
July 22	231		27	257
July 26	250	1-3	27	268, 269
Aug. 5	380	1 (last par.)	27	388
1893				
Mar. 1	187	(2d sentence in par. which begins "For fees and expenses".)	27	524
Mar. 2	199	1 (proviso on p. 546)	27	546
Mar. 3	204	2, 3	27	564
Do.	208	(5th par. under "Public Buildings")	27	591
Do.	208	(3d par. from end)	27	612
Do.	209	1 (1st 2 pars. on p. 614)	27	614
Do.	211	1 (words between 1st and 2d semicolons under "General Land Office").	27	704
Do.	211	4, 5	27	715

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1893				
Mar. 3	214.....	(last 25 words of 1st sentence in 2d par. under "General Expenses, Weather Bureau".)	27	742
Dec. 21	5.....		28	20
1894				
May 11	73.....	(penultimate par.).....	28	76
June 19	108.....	(penultimate par.).....	28	93
June 28	118.....		28	96
July 31	174.....	1 (2d par. under "Civil Service Commission").....	28	169
Do....	174.....	1 (words between 1st and 2d semicolons under "General Land Office").	28	193
Do....	174.....	3, 4.....	28	205
Aug. 3	202.....		28	225
Aug. 14	287.....	15.....	28	285
Aug. 15	290.....	1 (2d proviso on p. 288).....	28	288
Aug. 18	301.....	1 (2d par. on p. 391).....	28	391
Aug. 23	307.....	1 (last par. on p. 426).....	28	426
Do....	308.....		28	488
Aug. 27	349.....	33, 64, 65.....	28	557, 567
Dec. 27	12.....	4.....	28	598
1895				
Jan. 12	23.....	23, 44, 46, 48, 73 (9th and 10th pars. on p. 618).....	28	604, 607, 608, 618
Feb. 11	80.....	3.....	28	651
Feb. 28	138.....	1-3, 6.....	28	689, 690
Mar. 1	146.....	2.....	28	699
Mar. 2	172.....	2.....	28	741
Do....	176.....	1 (1st proviso on p. 747).....	28	747
Do....	176.....	1 (2d proviso on p. 753).....	28	753
Do....	176.....	1 (1st proviso on p. 757).....	28	757
Do....	177.....	1 (5th full par. on p. 777).....	28	777
Do....	177.....	1 (words between 1st and 2d semicolons under "General Land Office").	28	794
Do....	177.....	1 (2d proviso and sentence following 2d proviso on p. 796).	28	796
Do....	189.....	1 (3d par. on p. 919).....	28	919
1896				
Feb. 26	34.....	(par. under "Inspection of Consulates").....	29	36
Mar. 16	58.....		29	60
Mar. 28	73.....		29	75
May 28	252.....	1 (words between 1st and 2d semicolons under "General Land Office").	29	168
Do....	252.....	3.....	29	179
June 3	313.....		29	198
June 9	387.....	("Sec. 4").....	29	317
June 10	398.....	1 (2d proviso and sentence following 2d proviso on p. 323).	29	323
June 11	419.....	1 (proviso on p. 402).....	29	402
Do....	419.....	1 (provisos on p. 405).....	29	405
Do....	419.....	1 (par. beginning "Industrial Home School").....	29	410
Dec. 22	2.....	(2d sentence in par. which begins "For fees and expenses".)	29	479
1897				
Feb. 15	231.....		29	530
Feb. 19	265.....	1 (words between 1st and 2d semicolons under "General Land Office").	29	567
Mar. 3	387.....	1 (1st full par. on p. 677 and 2d sentence under "For the Fire Department").	29	677
Apr. 23	1.....	(4th full par. on p. 10).....	30	10
June 4	2.....	1 (2d proviso on p. 29).....	30	29
June 7	3.....	1 (last proviso on p. 86).....	30	86
July 24	11.....	29 (last sentence).....	30	211
Do....	14.....	2, 3.....	30	215

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1898				
Jan. 27	10.....		30	234
Mar. 15	68.....	1 (words between 1st and 2d semicolons under "General Land Office").	30	305
Do.....	68.....	7.....	30	316
June 6	389.....		30	432
July 1	546.....	1 (3d proviso on p. 644).....	30	644
July 7	571.....	1 (1st par. on p. 653).....	30	653
1899				
Feb. 4	89.....	(2d sentence in par. which begins "For fees and expenses".)	30	820
Feb. 21	176.....	4.....	30	842
Feb. 24	187.....	1 (14th par. on p. 864).....	30	864
Do.....	187.....	1 (words between 1st and 2d semicolons under "General Land Office").	30	877
Do.....	187.....	4.....	30	890
Mar. 3	427.....	1 (2d par. under "Treasury Department").....	30	1215
1900				
Apr. 4	158.....	(2d sentence in par. which begins "For fees and expenses".)	31	60
Apr. 12	191.....	26, 29, 36, 37, 40.....	31	82, 85, 86
Apr. 17	192.....	1 (2d sentence of 2d par. under "War Department").....	31	113
Do.....	192.....	1 (words between 1st and 2d semicolons under "General Land Office").	31	121
Do.....	192.....	3.....	31	133
May 25	555.....	(last 39 words in 2d par. on p. 202).....	31	202
Do.....	555.....	(last sentence on p. 203).....	31	203
May 26	589.....		31	218
May 31	598.....	1 (proviso on p. 239).....	31	239
Do.....	598.....	2 (2d proviso).....	31	246
June 2	614.....		31	262
June 6	789.....	1 (1st 3 pars. under "Public Schools").....	31	564, 565
Do.....	789.....	1 (proviso on p. 566).....	31	566
Do.....	789.....	1 (proviso on p. 577).....	31	577
Do.....	791.....	1 (par. beginning "Enforcement of the Chinese Exclusion Act").	31	610
Do.....	791.....	1 (2d par. under "Antietam Battlefield").....	31	630
1901				
Feb. 1	190.....		31	746
Feb. 12	363.....	(2d sentence in par. which begins "For fees and expenses".)	31	788
Feb. 27	615.....		31	816
Feb. 28	622.....	3.....	31	819
Mar. 2	805.....	(1st par. on p. 924).....	31	924
Do.....	805.....	(last 39 words preceding 3d proviso on p. 926).....	31	926
Do.....	806.....	12.....	31	949
Do.....	809.....	3.....	31	951
Mar. 3	830.....	1 (words between 1st and 2d semicolons under "General Land Office").	31	996
Do.....	830.....	3.....	31	1009
Do.....	832.....	1 (1st proviso on p. 1075).....	31	1075
Do.....	832.....	2 (2d proviso).....	31	1083
Do.....	853.....	1 (2d par. under "Antietam Battlefield").....	31	1172
Do.....	853.....	1 (2d proviso on p. 1179).....	31	1179
Do.....	854.....	3.....	31	1190
Do.....	854.....	179.....	31	1219
Do.....	854.....	553.....	31	1276
Do.....	854.....	1187.....	31	1378
Do.....	854.....	1189.....	31	1378
Do.....	858.....		31	1437
Do.....	872.....	4.....	31	1449
1902				
Feb. 14	17.....	1 (3d par. under "Treasury Department").....	32	6
Do.....	17.....	1 (par. under "Pensions").....	32	23
Apr. 28	594.....	1 (2d par. under "Collecting Internal Revenue").....	32	142
Do.....	594.....	1 (words between 1st and 2d semicolons under "General Land Office").	32	157

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1902				
Apr. 28	594	3	32	171
Do	595	2	32	172
May 2	679		32	184
May 27	888	1 (par. beginning "At Yankton Agency")	32	246
Do	888	1 (2d proviso on p. 261)	32	261
Do	888	2 (2d proviso)	32	274
June 3	985	(2d par. under "General Expenses, Weather Bureau")	32	288
Do	985	(last 45 words preceding 1st proviso on p. 290)	32	290
Do	985	(1st proviso on p. 303)	32	303
June 17	1093	5 (last sentence)	32	389
June 28	1301	1 (2d par. under "Antietam Battlefield")	32	464
Do	1312		32	492
July 1	1369		32	691
Do	1372		32	715
Do	1383	3	32	732
Dec. 16	2		32	753
1903				
Feb. 14	552	1 (83d through 99th words)	32	825
Do	552	6	32	827
Do	552	10 (2d par.)	32	829
Feb. 19	707	(1st 3 pars.)	32	841
Feb. 25	755	1 (words between 1st and 2d semicolons under "General Land Office").	32	892
Mar. 3	944	1 (1st proviso on p. 997)	32	997
Do	944	2 (3d proviso)	32	1006
Do	1006	1 (so much of 2d par. under "Department of Justice" as provides for appointment, pay, and duties of an additional Assistant Attorney General and an assistant to the Attorney General).	32	1062
Do	1007	1 (2d par. under "Antietam Battlefield")	32	1128
1904				
Jan. 20	40		33	9
Mar. 18	716	1 (words between 1st and 2d semicolons under "General Land Office").	33	124
Apr. 21	1402	1 (provisos on p. 190)	33	190
Do	1402	1 (last proviso on p. 206)	33	206
Do	1402	2 (2d proviso)	33	216
Apr. 23	1485	(3d proviso on p. 270)	33	270
Do	1486	(par. under "Salaries, Weather Bureau")	33	278
Apr. 28	1762	1 (9th par. on p. 478)	33	478
Do	1762	1 (2d par. under "Antietam Battlefield")	33	496
Do	1762	4	33	513
Do	1783		33	538
Do	1806	4	33	551
Do	1806	6	33	552
1905				
Jan. 19	49		33	609
Feb. 3	297	1 (proviso on p. 642)	33	642
Do	297	1 (proviso on p. 652)	33	652
Do	297	1 (1st full par. on p. 659)	33	659
Do	297	1 (words between 1st and 2d semicolons under "General Land Office").	33	670
Feb. 6	453	7	33	692
Mar. 3	1405	(par. under "Salaries, Weather Bureau")	33	863
Do	1405	(last 2 pars.)	33	883
Do	1406	1 (proviso on p. 898)	33	898
Do	1413	2	33	983
Do	1422		33	990
Do	1455		33	1026
Do	1457	1	33	1028
Do	1457	2	33	1029
Do	1479	1 (last proviso on p. 1060)	33	1060
Do	1479	2 (2d proviso)	33	1077
Do	1483	1 (2d par. under "Antietam Battlefield")	33	1197

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Apr. 5	1366.....	34	99
Apr. 9	1372.....	34	106
Apr. 24	1865.....	3.....	34	136
May 7	2083.....	2.....	34	170
June 16	3337.....	(par. under "Clerks at Embassies and Legations").....	34	288
June 19	3436.....	3.....	34	303
June 20	3443.....	4.....	34	315
Do.....	3446.....	4.....	34	318
Do.....	3446.....	8.....	34	320
Do.....	3446.....	9.....	34	321
June 21	3504.....	(3d proviso on p. 326).....	34	326
Do.....	3504.....	(1st proviso on p. 328).....	34	328
Do.....	3504.....	(2d full par. on p. 345).....	34	345
June 22	3514.....	1 (1st proviso on p. 401).....	34	401
Do.....	3514.....	1 (3d proviso on p. 417).....	34	417
Do.....	3514.....	1 (words between 1st and 2d semicolons under "General Land Office").	34	429
Do.....	3514.....	5, 6.....	34	449
June 25	3528.....	.....	34	456
June 27	3553.....	1 (provisos on p. 500).....	34	500
Do.....	3553.....	1 (1st proviso on p. 506).....	34	506
June 30	3912.....	4.....	34	669
Do.....	3913.....	(par. under "Salaries, Weather Bureau").....	34	672
Do.....	3913.....	(words between last semicolon on p. 673 and 1st proviso on p. 674.)	34	673
Do.....	3913.....	(3d par. on p. 678).....	34	678
Do.....	3913.....	(1st full sentence on p. 681).....	34	681
Do.....	3913.....	(1st full sentence on p. 694).....	34	694
Do.....	3913.....	(3d full par. on p. 695, less 3d proviso).....	34	695
Do.....	3913.....	(3d proviso on p. 695).....	34	695
Do.....	3914.....	1 (2d par. under "Antietam Battlefield").....	34	741
Do.....	3914.....	4 (last sentence).....	34	763
Do.....	3914.....	6.....	34	763
Do.....	3935.....	.....	34	816
1907				
Feb. 1	444.....	2.....	34	874
Feb. 20	1134.....	34.....	34	908
Feb. 22	1184.....	(par. under "Clerks at Embassies and Legations").....	34	918
Do.....	1184.....	(2d par. under "Schedule C").....	34	923
Feb. 26	1635.....	1 (1st proviso on p. 947).....	34	947
Do.....	1635.....	1 (words between 1st and 2d semicolons under "General Land Office").	34	975
Do.....	1635.....	4.....	34	993
Mar. 1	2285.....	(2d proviso on p. 1015).....	34	1015
Do.....	2285.....	(1st proviso on p. 1017).....	34	1017
Mar. 2	2558.....	.....	34	1241
Do.....	2574.....	.....	34	1252
Mar. 4	2907.....	(56th through 132d words in 3d par. on p. 1258).....	34	1258
Do.....	2907.....	(words between 1st semicolon and 1st proviso on p. 1260.)	34	1260
Do.....	2907.....	(1st full sentence on p. 1267).....	34	1267
Do.....	2907.....	(1st full sentence on p. 1270).....	34	1270
Do.....	2907.....	(words between 2d semicolon and the proviso in the 4th full sentence on p. 1272.)	34	1272
Do.....	2907.....	(1st 46 words of 4th par. on p. 1280).....	34	1280
Do.....	2918.....	1 (2d par. under "Antietam Battlefield").....	34	1346
Do.....	2931.....	.....	34	1412
1908				
Mar. 16	93.....	2.....	35	45
Mar. 26	99.....	.....	35	46
Apr. 30	153.....	(1st proviso on p. 72).....	35	72
May 11	162.....	("Sec. 5").....	35	103
Do.....	164.....	35	125
May 21	183.....	(par. under "Clerks at Embassies and Legations").....	35	173
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May 23	192	(4th par. on p. 267)	35	267
May 26	198	6	35	311
May 27	200	1 (2d par. under "Antietam Battlefield")	35	362
May 28	212	9	35	428
May 29	220	13 (last sentence)	35	468
May 30	236		35	556
1909				
Feb. 6	77	(last sentence)	35	598
Feb. 17	137		35	626
Feb. 18	148		35	637
Feb. 24	179		35	645
Feb. 27	223		35	657
Mar. 2	235	(par. under "Clerks at Embassies and Legations")	35	674
Mar. 3	250	1 (proviso on p. 691)	35	691
Do	263	(3d proviso on p. 782)	35	782
Do	263	(6th par. on p. 784)	35	784
Do	269	11, 12, 20, 21	35	842, 843
Mar. 4	297	1 (proviso on p. 876)	35	876
Do	297	1 (words between 1st and 2d semicolons under "General Land Office").	35	889
Do	299	1 (proviso on p. 983)	35	983
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Aug. 5	6	28 ("Sec. 30")	36	108
1910				
Feb. 25	62	1 (2d par. under "Judicial")	36	214
May 6	199	(par. under "Clerks at Embassies and Legations")	36	338
May 18	248	1 (proviso on p. 377)	36	377
May 26	256	(1st proviso)	36	416
June 17	297	1 (2d par. under "Civil Service Commission")	36	483
Do	297	1 (last 16 words in 3d full par. on p. 508)	36	508
Do	297	1 (proviso on p. 511)	36	511
Do	297	1 (words between 1st and 2d semicolons under "General Land Office").	36	512
June 25	384	1 (2d par. under "Antietam Battlefield")	36	723
Do	384	1 (2d sentence of 3d par. on p. 750)	36	750
Do	384	1 (proviso on p. 765)	36	765
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1911				
Jan. 11	25		36	894
Feb. 13	43		36	898
Feb. 24	149		36	928
Mar. 2	192	1 (last full par. on p. 967)	36	967
Mar. 3	208	(par. under "Clerks at Embassies and Legations").	36	1029
Do	210	1 (last proviso on p. 1059)	36	1059
Mar. 4	237	1 (1st proviso on p. 1185)	36	1185
Do	238	(1st 19 words of last par. on p. 1258, and 1st par. on p. 1259).	36	1258, 1259
Do	238	(penultimate par.)	36	1265
Do	285	1 (2d proviso on p. 1394)	36	1394
Do	285	1 (2d par. under "Antietam Battlefield")	36	1400
1912				
Feb. 10	35		37	63
Mar. 11	57		37	74
Apr. 30	97	(par. under "Clerks at Embassies and Legations")	37	96
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June 15	168		37	133
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July 25	253.....	1 (2d par. on p. 218).....	37	218
Aug. 10	284.....	(6th and 7th pars. on p. 300).....	37	300
Aug. 17	301.....	1 (3d par. on p. 312).....	37	312
Aug. 23	350.....	1 (last par. under "Civil Service Commission").....	37	372
Do.....	350.....	5.....	37	414
Aug. 24	355.....	1 (2d par. under "Antietam Battlefield").....	37	440
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1913				
Feb. 28	86.....	1 (par. under "Clerks at Embassies and Legations").....	37	689
Mar. 4	141.....	1 (75th through 91st words).....	37	736
Do.....	141.....	8.....	37	738
Do.....	142.....	1 (2d sentence in 4th full par. on p. 750).....	37	750
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June 30	4.....	1 (4th proviso on p. 78).....	38	78
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1914				
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June 30	131.....	(4th and 6th full pars. on p. 441).....	38	441
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July 16	141.....	1 (5th par. under "Civil Service Commission").....	38	465
Do.....	141.....	1 (words between 1st and 2d and 3d and 4th semicolons under "Department of Justice").	38	497
Do.....	141.....	1 (1st proviso on p. 497).....	38	497
Do.....	141.....	1 (par. beginning "Commercial attaches").....	38	500
Do.....	141.....	6.....	38	509
July 21	191.....	1 (proviso on p. 519).....	38	519
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Aug. 1	222.....	1 (2d proviso on p. 583).....	38	583
Do.....	223.....	1 (2d par. on p. 631).....	38	631
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1916				
Feb. 28	37	1 (par. under "Bureau of Efficiency")	39	15
Apr. 27	89		39	54
May 10	117	1 (2d par. on p. 104)	39	104
Do	117	1 (par. beginning "Commercial attaches")	39	111
May 18	125	1 (3d proviso on p. 124)	39	124
June 15	147	3	39	227
July 1	208	(par. under "Clerks at Embassies and Legations")	39	253
Do	209	1 (2d par. under "Antietam Battlefield")	39	287
July 17	245	28 (3d par.)	39	381
July 28	261	1 (6th par. on p. 413)	39	413
Aug. 29	416	20	39	552
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Sept. 1	433	1 (1st 7 provisos under "Public Schools")	39	693, 694
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1917				
Feb. 23	114	6	39	932
Mar. 2	146	1 (4th proviso on p. 969)	39	969
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Mar. 3	160	1 (2d par. on p. 1012)	39	1012
Do	160	1 (1st 4 provisos under "Public Schools")	39	1021, 1022
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June 12	27	1 (2d par. under "Antietam Battlefield")	40	130
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Aug. 10	52	5	40	274
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Oct. 6	79	1 (4th par. on p. 346)	40	346
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May 20	78		40	556
June 26	105		40	616
July 1	113	1 (proviso on p. 652)	40	652
Do	113	1 (2d par. under "Antietam Battlefield")	40	656
July 2	115		40	739
July 3	130	1 (2d par. on p. 799)	40	799
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1919				
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July 11	6	1 (par. under "Bureau of Efficiency")	41	36
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July 24	26	(2d proviso on p. 262)	41	262
Nov. 4	93	1 (1st par. under "United States Penitentiaries")	41	338
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1920				
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Mar. 23	106		41	536
May 22	195		41	614
May 29	214	1 (3d full par. on p. 655)	41	655
Do	214	1 (par. beginning "Commercial attaches")	41	679
May 31	217	(proviso on p. 714)	41	714
June 2	219	6	41	737
June 4	223	1 (par. under "Clerks at Embassies and Legations")	41	740
Do	223	1 (2d sentence under "Allowance for Clerk Hire at United States Consulates")	41	749
June 5	234	1 (1st 10 provisos under "Public Schools")	41	850, 851
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Do	235	1 (1st 2 provisos on p. 886)	41	886
Do	235	1 (2d par. under "Antietam Battlefield")	41	895
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1921				
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Feb. 2	70	1 (1st 10 provisos under "Public Schools")	41	1120-1122
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Do	70	1 (penultimate par. on p. 1125)	41	1125
Mar. 2	113	1 (par. under "Clerks at Embassies and Legations")	41	1206
Do	113	1 (last sentence on p. 1215)	41	1215
Mar. 3	124	1 (par. beginning "Commercial attaches")	41	1298
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Do	127	(proviso on p. 1333)	41	1333
Mar. 4	161	1 (2d par. under "Antietam Battlefield")	41	1386
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1922				
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Mar. 21	113		42	469
Mar. 27	116	(1st par.)	42	470
Mar. 28	117	(par. beginning "Commercial attaches")	42	472
May 24	199	(6th full par. on p. 553)	42	553
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Do.	199	(last par. beginning on p. 556)	42	556
May 26	202	1 (1st sentence in "Sec. 2(a)")	42	596
June 1	204	(par. under "Clerks at Embassies and Legations")	42	601
Do.	204	(2d sentence under "Allowance for Clerk Hire at United States Consulates".)	42	602
June 10	215		42	634
June 12	218	(1st proviso under "Civil Service Commission")	42	637
Do.	218	(2d full par. on p. 648)	42	648
June 13	219		42	650
June 17	222		42	651
June 29	249	1 (1st 11 provisos under "Teachers")	42	684, 685
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June 30	253	(last par. on p. 756)	42	756
Do.	255		42	766
July 1	258	1 (2d proviso on p. 769)	42	769
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1923				
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Do.	21	(2d sentence under "Allowance for Clerk Hire at United States Consulates".)	42	1071
Jan. 5	24	(words between 8th and 9th semicolons of 1st par.)	42	1110
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Jan. 22	29	1 (1st par. under "Department of State")	42	1160
Jan. 24	42	(2d par. on p. 1176)	42	1176
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Do.	42	(last full par. on p. 1178)	42	1178
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Do..	204	(words between 3d and 4th commas of 1st par. under "Department of Commerce".)	43	224
Do..	204	(par. beginning "Commercial attaches")	43	225
June 2	234	1102	43	353
June 5	261		43	389
Do..	264	(4th full par. on p. 392)	43	392
Do..	264	(3d full par. on p. 394)	43	394
June 7	291	(last full par. on p. 511)	43	511
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1925				
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Jan. 17	84		43	752
Jan. 22	87	(provisos and 2d par. under "Office of the Secretary")	43	764
Jan. 31	124	3	43	803
Feb. 9	167		43	819
Feb. 10	200	(provisos under "Office of the Secretary")	43	822
Feb. 11	209	(provisos on p. 861)	43	861
Feb. 12	225	(provisos on p. 892)	43	892
Do..	225	(last full par. on p. 926)	43	926
Feb. 21	278		43	957
Feb. 27	364	(provisos on p. 1014)	43	1014
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Do..	364	(1st 46 words of 4th full par. on p. 1026)	43	1026
Do..	364	(parenthetical expression in last par. on p. 1029)	43	1029
Do..	364	(words between 3d and 4th commas of 1st par. under "Department of Commerce".)	43	1033
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Do..	462	(4th proviso on p. 1145)	43	1145
Do..	462	(1st par. under "Territory of Alaska")	43	1181
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Mar. 4	549	3	43	1301
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1926				
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Apr. 16	148		44	297
Apr. 29	195	(words between 3d and 4th commas of 1st par. under "Department of Commerce".)	44	349
Do..	195	(par. beginning "Commercial attaches")	44	350
May 10	276	1 (7th par. on p. 433)	44	433
Do..	277	1 (2d full par. on p. 455)	44	455
Do..	277	1 (last proviso on p. 456)	44	456
May 11	286	(3d proviso on p. 500)	44	500
May 17	303		44	558
May 20	348		44	587
June 26	695		44	772
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1927				
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Do	27	1 (1st proviso on p. 938)	44	938
Do	27	1 (2d proviso on p. 957)	44	957
Jan. 18	39	(3d proviso on p. 977)	44	977
Jan. 21	47	5(d)	44	1021
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Feb. 23	167	(last full par. on p. 1138)	44	1138
Feb. 24	189	(words between 3d and 5th commas of 1st par. under "Department of Commerce".)	44	1199
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1928				
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Mar. 6	134		45	197
Mar. 7	137	1 (last proviso on p. 227)	45	227
Mar. 10	167	23	45	279
Mar. 23	232	1 (last full par. on p. 354)	45	354
Apr. 4	315		45	405
Apr. 19	382		45	433
May 16	572	(2d proviso on p. 540)	45	540
Do	580	1 (3d par. under "Bureau of Efficiency")	45	576
May 17	606		45	596
May 21	659	1 (7th par. on p. 662)	45	662
May 29	901	1 (116), 2	45	995, 996
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1929				
Jan. 25	102	(words between 3d and 5th commas of 1st par. under "Department of Commerce".)	45	1114
Feb. 16	227	(1st proviso on p. 1190)	45	1190
Feb. 20	270	1 (3d par. under "Bureau of Efficiency")	45	1233
Do	271		45	1248
Feb. 25	313	5	45	1262
Do	314	1 (4th par. on p. 1279)	45	1279
Feb. 26	323		45	1307
Feb. 28	366	(2d par. on p. 1353)	45	1353
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Mar. 4	701	5	45	1559
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May 14	273	1 (2d proviso on p. 306)	46	306
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June 4	407.....	1 (proviso on p. 516).....	46	516
June 11	455.....	46	554
June 17	497.....	339.....	46	706
June 26	618.....	46	817
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June 27	644.....	46	822
July 3	847.....	6 (4th par.).....	46	948
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Feb. 10	117.....	3.....	46	1085
Feb. 14	187.....	1 (2d proviso on p. 1142).....	46	1142
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June 29	308.....	1 (penultimate par. on p. 360).....	47	360
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Feb. 17	98.....	1 (2d proviso on p. 842).....	47	842
Feb. 28	134.....	1 (proviso on p. 1362).....	47	1362
Mar. 1	144.....	1 (words between 3d and 5th commas of 1st par. under "Department of Commerce").	47	1388
Mar. 3	203.....	(4th proviso on p. 1432).....	47	1432
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Mar. 4	281.....	1 (1st full par. on p. 1596).....	47	1596
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May 9	101	1 (2d proviso on p. 197)	49	197
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Mar. 14	140	3	49	1161
May 13	382		49	1270
May 15	405	1 (5th full par. on p. 1321)	49	1321
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May 26	452		49	1374
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June 22	691	1 (2d proviso on p. 1781)	49	1781
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June 29	403	1 (3d par. on p. 371)	50	371
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Aug. 9	570	1 (1st proviso on p. 592)	50	592
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May 6	115.....	1 (2d proviso on p. 657).....	53	657
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June 6	185.....	53	810
June 27	244.....	5, 6.....	53	856
June 29	248.....	(8th par. on p. 896).....	53	896
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June 30	253.....	(2d proviso on p. 940).....	53	940
July 14	266.....	53	1000
July 15	281.....	1 (4th par. on p. 1017).....	53	1017
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June 27	450	1 (85 words before 2d semicolon under "Federal Housing Administration").	56	401
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July 2	472	(1st full par. on p. 480)	56	480
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July 22	516	1 (2d proviso on p. 665)	56	665
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July 29	533		56	725
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June 27	286.....	101 (85 words before 2d semicolon on p. 377).....	58	377
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June 28	294.....	101 (1st full par. on p. 407).....	58	407
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June 29	519		60	339
July 1	529	6	60	385
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Passed the House of Representatives September 7, 1965.

Clerk.

AN ACT

To enact title 5, United States Code, "Government Organization and Employees", codifying the general and permanent laws relating to the organization of the Government of the United States and to its civilian officers and employees.

SEPTEMBER 9 (legislative day, SEPTEMBER 8), 1965
Read twice and referred to the Committee on the Judiciary

